



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

59TH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 2, 2005

12:16 O'CLOCK P.M.

SENATE
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59th Legislative Day

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The Senate met pursuant to adjournment.
 Senator James A. DeLeo, Chicago, Illinois, presiding.
 Prayer by Reverend Al Weidlich, St. John's Lutheran Church, Bloomington, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, October 26, 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.

Senator Hunter moved that reading and approval of the Journal of Thursday, October 27, 2005, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Commission Report & Recommendations for Governor Rod Blagojevich and the Illinois General Assembly, submitted the Advisory Commission on Pension Benefits.

FY 2006 Affirmative Action Plan, submitted by the Metropolitan Pier and Exposition Authority.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

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

HOUSE BILL 2528

A bill for AN ACT concerning finance.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 16, 2005
 To the Honorable Members of the
 Illinois House of Representatives
 94th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 2528, entitled "AN ACT concerning finances." Currently, no State facility can take action towards closure without notifying the Commission on Government Forecasting and Accountability. In addition, the Commission enjoys the freedom and discretion to require recommendations and public hearings before a State facility closes. House Bill 2528 removes this discretion and requires the State to submit to certain procedures before closing many of the facilities operated by the Department of Corrections, Department of Human Services and the Department of Veterans' Affairs. As a result, an agency will incur additional administrative costs and many closures that the Commission is not interested in reviewing will be significantly delayed. The delay in action will only serve to diminish the costs savings in year one. Since the Commission already enjoys the authority to oversee our facility closures; additional mandates only serve to increase spending and frustrate government efficiency.

For this reason, I hereby veto and return House Bill 2528.

[November 2, 2005]

Sincerely,
ROD R. BLAGOJEVICH
Governor

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, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2595

A bill for AN ACT concerning revenue.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 12, 2005

To the Honorable Members of the
Illinois House of Representatives
94th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 2595, entitled "AN ACT concerning revenue." House Bill 2595 allows certain building owners to petition for the creation of a Special Service Area in order to levy additional taxes. While House Bill 2595 requires all the building owners to agree before the Special Service Area is created, the increased taxes will most likely result in increased costs for the tenants of these buildings. Therefore, I will not consent to this change of the Property Tax Code.

For this reason, I hereby veto and return House Bill 2595.

Sincerely,
ROD R. BLAGOJEVICH
Governor

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, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3095

A bill for AN ACT concerning education.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 12, 2005

To the Honorable Members of the
Illinois House of Representatives
94th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 3095, entitled "AN ACT concerning education." This legislation promotes an important purpose: providing a funding source for school districts in financial difficulty. Yet, this legislation also poses a significant hurdle: increasing property taxes to pay for this purpose outside the limits of tax caps and the voter approval process required by them. The challenge, which we have faced throughout state government, is to fund important services and programs without asking the people of Illinois to pay more in taxes. I remain committed to this principle and cannot support legislation that asks for an increase in property taxes.

[November 2, 2005]

For this reason, I hereby veto and return House Bill 3095.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

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, the veto of the Governor notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3651

A bill for AN ACT concerning highways.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 27, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 12, 2005

To the Honorable Members of the
 Illinois House of Representatives
 94th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto House Bill 3651, entitled "AN ACT concerning highways." House Bill 3651 could result in an extension of taxes that should be left to the voters of this township. I do not intend to intercede in the taxing scheme of this township.

For this reason, I hereby veto and return House Bill 3651.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 29

A bill for AN ACT in relation to criminal law.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 10, 2005

To the Honorable Members of the
 Illinois House of Representatives
 94th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 29 entitled "AN ACT in relation to criminal law," with the following specific recommendations for change:

on page 1, by replacing line 10 with the following:

"person under the age of 21 is guilty of a Class A €"; and

on page 1, line 24, by replacing "18" with "21"; and

on page 1, line 25, by replacing "18" with "21".

With these changes, House Bill 29 will have my approval. I respectfully

[November 2, 2005]

request your concurrence.
Sincerely,
ROD R. BLAGOJEVICH
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 911

A bill for AN ACT concerning government.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 8, 2005

To the Honorable Members of the
Illinois House of Representatives
94th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 911 entitled "AN ACT concerning government," with the following specific recommendations for change:

on page 1, by replacing line 7 with the following:

"Sec. 6. Joint self-insurance.

(a) An intergovernmental"; and

on page 2, line 14, before "No", by inserting "(b)"; and

on page 3, line 3, after "members.", by inserting "This subsection (b)

does not apply

to the State of Illinois and its agencies.".

With these changes, House Bill 911 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1391

A bill for AN ACT concerning civil law.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 27, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 9, 2005

To the Honorable Members of the
Illinois House of Representatives
94th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I

[November 2, 2005]

hereby return House Bill 1391, entitled "AN ACT concerning civil law," with the following specific recommendations for change:

on page 2, lines 3 through 5, by deleting "The Demutualization Trust Fund shall not be subject to Section 8h or 8j of the State Finance Act."; and
 on page 6, lines 29 and 30, by replacing "amending Sections 8h and" with "changing Section"; and
 by deleting line 33 on page 6 through line 19 on page 8; and
 on page 9, by deleting lines 25 through 27.

With these changes, House Bill 1391 will have my approval. I respectfully request your concurrence.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2525

A bill for AN ACT concerning business.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 12, 2005

To the Honorable Members of the
 Illinois House of Representatives
 94th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2525, entitled "AN ACT concerning business", with the following specific recommendation for change:

On page 1, line 5, by deleting "8,"; and
 On page 2, by deleting lines 20 through 35; and
 On page 3, by deleting lines 1 through 20.

With these changes, House Bill 2525 will have my approval. I respectfully request your concurrence.

Sincerely,
 ROD R. BLAGOJEVICH
 Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3272

A bill for AN ACT concerning finance.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 26, 2005, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

[November 2, 2005]

August 12, 2005

To the Honorable Members of the
Illinois House of Representatives
94th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3272 entitled "AN ACT concerning finance," with the following specific recommendations for change:

On page 1, line 31, delete the words, "the Teacher Health"

On page 1, line 32, delete the following, "Insurance Security Fund,"

On page 1, line 24, insert after "July 1, 2003," the following: "In fiscal year 2006 only, prior to calculating the July 1, 2005 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula in Subsections (a) (i) and (a) (ii), above to the fund balances on July 1, 2004."

I strongly believe in protecting the solvency of the Teachers' Retirement Insurance Program and providing health insurance to our retired teachers. I signed legislation, PA 92-505, which established a new methodology to ensure sufficient funding for our retired teachers' health benefits. However, we should not further restrain the Office of Management and Budget from applying charge backs when appropriate. These charge backs recognize the valuable financial management services that the State provides to these funds. On the contrary, we should provide the Office of Management and Budget more flexibility in determining the value of these services. Therefore, this amendatory veto will allow us to revisit the charge back calculations for fiscal year 2005 in accordance with the statutory formula. With these changes, House Bill 3272 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor

By direction of the President, bills reported on the foregoing veto messages were placed on the Senate Calendar.

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. 1208

A bill for AN ACT concerning civil law.

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. 1208

Passed the House, as amended, October 27, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1208

AMENDMENT NO. 1. Amend Senate Bill 1208 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 7-103.117 as follows:
(735 ILCS 5/7-103.117)

Sec. 7-103.117. Quick-take; City of Oakbrook Terrace. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the ~~94th 93rd~~ General Assembly by the City of Oakbrook Terrace for the acquisition of property for the purpose of water main construction as follows:

[November 2, 2005]

PART OF LOTS 3, 4 AND 5 OF LINCOLN CENTRE ASSESSMENT PLAT IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1984 AS DOCUMENT R84-091784 AND CERTIFICATE OF CORRECTION RECORDED DECEMBER 17, 1984 AS DOCUMENT R84-100375, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 02 DEGREES 23 MINUTES 28 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 30.00 FEET; THENCE SOUTH 87 DEGREES 36 MINUTES 32 SECONDS WEST 338.43 FEET; THENCE SOUTH 45 DEGREES 26 MINUTES 11 SECONDS WEST 285.17 FEET TO A POINT ON A CURVE; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 260.00 FEET, A CHORD BEARING OF NORTH 88 DEGREES 48 MINUTES 28 SECONDS WEST, 461.68 FEET TO A POINT OF TANGENCY; THENCE SOUTH 40 DEGREES 19 MINUTES 20 SECONDS WEST 46.18 FEET TO THE NORTHEASTERLY LINE OF LOT 2 IN LINCOLN CENTRE UNIT NO. 2; THENCE NORTH 49 DEGREES 40 MINUTES 40 SECONDS WEST 30.00 FEET ALONG SAID NORTHEASTERLY LINE; THENCE NORTH 40 DEGREES 19 MINUTES 20 SECONDS EAST 46.18 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 290.00 FEET, A CHORD BEARING OF NORTH 87 DEGREES 52 MINUTES 46 SECONDS EAST, 481.42 FEET; THENCE NORTH 45 DEGREES 26 MINUTES 11 SECONDS EAST 265.00 FEET; THENCE NORTH 87 DEGREES 36 MINUTES 32 SECONDS EAST 350.00 FEET TO SAID POINT OF BEGINNING. Beginning at a point on the east line of the southeast 1/4 of Section 21-39-11, located a distance of 520 feet north of the point of intersection of the east line of the southeast 1/4 of Section 21 with the present northerly right of way line of Butterfield Road; Thence westerly along a line which forms an angle of 90 degrees 00 minutes 00 seconds to the east line of the southeast 1/4 of Section 21, a distance of 340 feet, to an angle point; Thence southwesterly from said angle point along a line which forms an angle of 137 degrees 49 minutes 39 seconds as measured clockwise from west to south, a distance of 297 feet, to a point located 30 feet southwest and perpendicular to the south edge of the existing private road; Thence northwesterly along a curved line located 30 feet south of and parallel to the south edge of the existing private road, through an internal angle of 101 degrees 2 minutes 40 seconds, measured counterclockwise from the northeast to the northwest, a distance of 441.7 feet, to a point located 30 feet southeast and perpendicular to the south edge of the existing private road; Thence, northwesterly along a straight line perpendicular to the existing private road, a distance of 30 feet to a point on the south edge of the existing private road; Thence northeasterly and southeasterly along the curved south edge of the existing private road, a distance of 461.5 feet, to a point on the south edge of the existing private road; Thence northeasterly along a straight line and perpendicular to the south edge of the existing private road, a distance of 277 feet, to an angle point (iron pipe); Thence easterly along a straight line, from said angle point, which forms an angle of 137 degrees 49 minutes 39 seconds as measured counterclockwise from south to east, a distance of 350 feet to a point located on the east line of the southeast 1/4 of Section 21-39-11 a distance of 30 feet to the point of beginning.

(Source: P.A. 93-1065, eff. 1-15-05.)

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

Under the rules, the foregoing **Senate Bill No. 1208**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1943

A bill for AN ACT concerning criminal law.

Together with the following amendments which are 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. 1943

House Amendment No. 2 to SENATE BILL NO. 1943

Passed the House, as amended, October 27, 2005.

[November 2, 2005]

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1943

AMENDMENT NO. 1. Amend Senate Bill 1943 on page 1, lines 21 and 22, by replacing "under 19 years of age" with "18 years of age or older".

AMENDMENT NO. 2 TO SENATE BILL 1943

AMENDMENT NO. 2. Amend Senate Bill 1943, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. "An Act concerning criminal law, which may be referred to as the Patrick Leahy Law", approved August 8, 2005, (Public Act 94-487) is amended by adding Section 99 as follows:

(P.A. 94-487, Sec. 99 new)

Sec. 99. Effective date. This Act (Public Act 94-487) takes effect on the effective date of this amendatory Act of the 94th General Assembly (Senate Bill 1943 of the 94th General Assembly).

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

Under the rules, the foregoing **Senate Bill No. 1943**, with House Amendments numbered 1 and 2, 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 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. 1920

A bill for AN ACT concerning gaming.

Passed the House, October 27, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 1920** 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. 2108

A bill for AN ACT concerning employment.

HOUSE BILL NO. 2928

A bill for AN ACT concerning civil law.

Passed the House, October 27, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2108 and 2928** 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 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 806

A bill for AN ACT concerning State government.

[November 2, 2005]

Which amendment is as follows:
Senate Amendment No. 3 to HOUSE BILL NO. 806
Concurred in by the House, October 27, 2005.

MARK MAHONEY, Clerk of 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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 54

Concurred in by the House, October 27, 2005.

MARK MAHONEY, Clerk of 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. 1124

A bill for AN ACT concerning transportation.
Passed the House, October 27, 2005.

MARK MAHONEY, Clerk of 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 receded from their amendment numbered 1 to a bill of the following title, to-wit:

SENATE BILL NO. 158

A bill for AN ACT concerning regulation.
Action taken by the House, November 2, 2005.

MARK MAHONEY, Clerk of the House

MOTIONS IN WRITING

Senator Cullerton submitted the following Motion in Writing:

MOTION

I move that House Bill 29 do pass, notwithstanding the specific recommendations of the Governor.

Date: October 27, 2005

s/John Cullerton
Senator

Senator Halvorson submitted the following Motion in Writing:

MOTION

I move that House Bill 911 do pass, notwithstanding the specific recommendations of the Governor.

Date: November 2, 2005

s/Debbie Halvorson
Senator

[November 2, 2005]

Senator Link submitted the following Motion in Writing:

MOTION

I move that House Bill 1391 do pass, notwithstanding the specific recommendations of the Governor.

Date: November 2, 2005

s/Terry Link
Senator

Senator Harmon submitted the following Motion in Writing:

MOTION

I move that House Bill 2525 do pass, notwithstanding the specific recommendations of the Governor.

Date: November 2, 2005

s/Don Harmon
Senator

Senator Forby submitted the following Motion in Writing:

MOTION

I move that House Bill 2528 do pass, notwithstanding the veto of the Governor.

Date: October 27, 2005

s/Gary Forby
Senator

Senator Harmon submitted the following Motion in Writing:

MOTION

I move that House Bill 2595 do pass, notwithstanding the veto of the Governor.

Date: November 2, 2005

s/Don Harmon
Senator

Senator Peterson submitted the following Motion in Writing:

MOTION

I move that House Bill 3095 do pass, notwithstanding the veto of the Governor.

Date: November 1, 2005

s/William E. Peterson
Senator

Senator Risinger submitted the following Motion in Writing:

MOTION

I move that House Bill 3272 do pass, notwithstanding the specific recommendations of the Governor.

Date: November 2, 2005

s/Dale Risinger
Senator

[November 2, 2005]

Senator Roskam submitted the following Motion in Writing:

MOTION

I move that House Bill 3651 do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 2, 2005

s/Peter Roskam
Senator

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 676
Motion to Concur in House Amendment 1 to Senate Bill 1208
Motion to Concur in House Amendment 2 to Senate Bill 1943

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its November 2, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Floor Amendment No. 1 to House Bill 3478**

Judiciary: **Senate Floor Amendment No. 1 to House Bill 2900**

State Government: **Senate Floor Amendment No. 3 to House Bill 466**

Transportation: **Senate Floor Amendment No. 1 to House Bill 3814**

Senator Viverito, Chairperson of the Committee on Rules, during its November 2, 2005 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 1208**

State Government: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 676**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 3:30 o'clock p.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet today in Room 400, immediately after recess.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet today in Room 212, at 4:30 o'clock p.m.

[November 2, 2005]

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, announced that the Executive Appointments Committee will meet Thursday, November 3, 2005, in Room 212, at 8:00 o'clock a.m.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 5:00 o'clock p.m.

Senator Shadid, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400, at 4:00 o'clock p.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 3:30 o'clock p.m.

Senator Harmon, Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 212, at 4:00 o'clock p.m.

At the hour of 12:31 o'clock p.m., Honorable Emil Jones, Jr., President of the Senate, presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 492

Offered by Senators del Valle-Link-Cullerton-Maloney and all Senators:

Congratulates the Chicago White Sox organization and Manager Ozzie Guillen on their 2005 World Series victory.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Thursday, October 27, 2005 and journalized Wednesday, November 2, 2005, Senator Forby moved that **House Bill No. 2528** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 57; Nays 1.

The following voted in the affirmative:

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

[November 2, 2005]

The following voted in the negative:

Radogno

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Harmon moved that **House Bill No. 2595** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Athoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan, J.
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Laufen	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Tuesday, November 1, 2005 and journalized Wednesday, November 2, 2005, Senator Peterson moved that **House Bill No. 3095** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 39; Nays 16.

The following voted in the affirmative:

Brady	Garrett	Martinez	Rutherford
Clayborne	Geo-Karis	Meeks	Sandoval
Collins	Haine	Millner	Shadid
Cronin	Harmon	Munoz	Sieben
Crotty	Hendon	Peterson	Silverstein
Cullerton	Hunter	Petka	Trotter
Dahl	Jones, W.	Radogno	Viverito
del Valle	Lightford	Raoul	Watson
DeLeo	Link	Risinger	Winkel
Forby	Maloney	Ronen	

[November 2, 2005]

The following voted in the negative:

Althoff	Dillard	Pankau	Wilhelmi
Axley	Jacobs	Roskam	
Bomke	Jones, J.	Schoenberg	
Burzynski	Lauzen	Sullivan, J.	
Demuzio	Luechtefeld	Syverson	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Roskam moved that **House Bill No. 3651** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 35; Nays 20; Present 1.

The following voted in the affirmative:

Althoff	DeLeo	Munoz	Roskam
Axley	Dillard	Pankau	Rutherford
Bomke	Geo-Karis	Peterson	Shadid
Clayborne	Haine	Petka	Sieben
Collins	Harmon	Radogno	Silverstein
Cronin	Jacobs	Raoul	Viverito
Crotty	Jones, W.	Righter	Watson
Cullerton	Link	Risinger	Winkel
Dahl	Millner	Ronen	

The following voted in the negative:

Burzynski	Hendon	Martinez	Wilhelmi
del Valle	Hunter	Meeks	Mr. President
Demuzio	Jones, J.	Sandoval	
Forby	Lauzen	Schoenberg	
Garrett	Lightford	Sullivan, J.	
Halvorson	Luechtefeld	Syverson	

The following voted present:

Maloney

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Thursday, October 27, 2005 and journalized Wednesday, November 2, 2005, Senator Cullerton moved that **House Bill No. 29** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 48; Nays 7.

The following voted in the affirmative:

[November 2, 2005]

Althoff	Haine	Martinez	Shadid
Bomke	Halvorson	Meeks	Sieben
Brady	Harmon	Millner	Silverstein
Burzynski	Hendon	Munoz	Sullivan, J.
Clayborne	Hunter	Pankau	Syverson
Collins	Jacobs	Peterson	Trotter
Crotty	Jones, J.	Petka	Viverito
Cullerton	Jones, W.	Raoul	Watson
Dahl	Lauzen	Righter	Winkel
del Valle	Lightford	Risinger	
DeLeo	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Schoenberg	

The following voted in the negative:

Axley	Geo-Karis	Ronen	Mr. President
Demuzio	Radogno	Wilhelmi	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect his negative vote on **House Bill No. 29**.

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Halvorson moved that **House Bill No. 911** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 56; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Geo-Karis

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

[November 2, 2005]

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Link moved that **House Bill No. 1391** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Harmon moved that **House Bill No. 2525** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 28; Nays 26.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Sullivan, J.
Crotty	Hendon	Millner	Trotter
Cullerton	Hunter	Munoz	Mr. President
del Valle	Jacobs	Raoul	
DeLeo	Lightford	Risinger	
Forby	Link	Ronen	
Haine	Maloney	Sandoval	

The following voted in the negative:

Althoff	Garrett	Peterson	Syverson
Axley	Geo-Karis	Radogno	Viverito
Bomke	Jones, J.	Righter	Watson
Brady	Jones, W.	Roskam	Wilhelmi
Burzynski	Lauzen	Rutherford	Winkel
Dahl	Luechtefeld	Shadid	
Demuzio	Pankau	Sieben	

The motion failed.

[November 2, 2005]

And the Senate refused to concur with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 2525.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Wednesday, November 2, 2005 and journalized Wednesday, November 2, 2005, Senator Risinger moved that **House Bill No. 3272** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

COMMUNICATION

DAVE SULLIVAN
STATE SENATOR – 33RD DISTRICT

August 30, 2005

Ms. Linda Hawker
Secretary of the Senate
401 State Capitol
Springfield, IL 62706

Dear Secretary Hawker:

It is with mixed emotions that I write you this letter to officially inform you of my decision to retire from the Illinois Senate effective at Noon on Monday, September 12, 2005.

I have been honored to serve as a member of this great institution for the past seven years. Representing the people of Chicago and the Northwest suburbs has been a tremendous experience for me. Together I think we have accomplished much for the area as well as create good public policy. The friendships my family and I have made will last a lifetime.

I look forward to seeing you soon.

Best Regards,

[November 2, 2005]

s/Dave Sullivan
cc: Senate President Emil Jones
Senate Republican Leader Frank Watson
Assistant Secretary of the Senate Scott Kaiser

PRESENTATION OF RESOLUTION

Senator Watson and all Senators offered the following Senate Resolution:

SENATE RESOLUTION NO. 500

WHEREAS, Members of the Illinois Senate will miss their colleague, Senator Dave Sullivan; and

WHEREAS, Senator Sullivan has served his constituents in the northwest suburbs faithfully since he was appointed in 1998; he won elections in 2000 and 2002; and

WHEREAS, Senator Sullivan was the architect and negotiator of the historic Telecommunications Article rewrite of 2001 and as a result of the changes in law, Illinois consumers have saved more than \$500 million; and

WHEREAS, Senator Sullivan has been a strong advocate for children's health-care issues; he was the lead sponsor of the law requiring additional instruction about the dangers of steroid abuse for student athletes enrolled in Illinois schools; and

WHEREAS, Throughout Senator Sullivan's legislative career, he has been a strong supporter of Illinois veterans; he was the chief sponsor of comprehensive legislation providing deployed armed services members and their families with some additional common-sense financial protections in recognition of their service to Illinois and to the country as a whole; and

WHEREAS, As a legislator, Senator Sullivan has made several noteworthy contributions, including sponsoring a law allowing Maryville Academy kids to participate in summer education programs; and

WHEREAS, Senator Sullivan led the charge to commission a study on the impact that expansion at O'Hare International Airport would have on communities around the airport; based on the information contained in that study, he was able to successfully negotiate certain financial considerations for the school districts that would be affected by expansion at O'Hare; and

WHEREAS, Senator Sullivan was one of the first freshman lawmakers to haze another freshman lawmaker; and

WHEREAS, Senator Sullivan is the founding member of the infamous "Sullivan Caucus", which seeks to promote the best of Irish culture - eating and drinking; he is the entire Republican delegation on the Irish Fellowship Club of Chicago Board of Directors; even Martha Stewart cannot rival Dave Sullivan in the fine art of incorporating green ties into every shirt and sport coat combination in the Senator's wardrobe; and

WHEREAS, A long, long time ago, Senator Sullivan was named to Crain's Chicago Business' "Forty Under Forty" list; and

WHEREAS, Senator Sullivan is a member of the Lattof YMCA Board of Directors, the Park Ridge Kiwanis, the Children's Advocacy Center of Northwest Cook County Board of Directors, the Center of Concern Advisory Board, Avenues of Independence Board of Directors, Irish Fellowship Club of Chicago Board of Directors, Amate House Board of Directors, the Advocate Lutheran General Hospital Board, the National Conference of State Legislators (NCSL) Communication, Technology, and Interstate Commerce Committee, the NCSL Energy and Electric Utilities Committee, and the Maine Township Regular Republican Organization; and

[November 2, 2005]

WHEREAS, Senator Sullivan has received awards and recognition from many different organizations, including Action for Children, the Illinois Farm Bureau, Mount Prospect Park District, the Illinois Coalition for Competitive Telecommunications, the Association of Chiefs of Police, AARP, the Northwest Special Recreation Association, Lutheran General Hospital, VISIONS Network, Jewish Family and Community Services, SIDS Alliance of Illinois, Inc., Community Health Charities of Illinois, the National Federation of Independent Business, the International Union of Operating Engineers Local 150, Plumbing Contractors Association of Chicago and Cook County, the Park Ridge Jaycees, the Illinois Hospital and Health System Association, and Metropolitan Family Services; and

WHEREAS, Senator Sullivan is a dedicated husband and father to his lovely wife, Dru, and four wonderful children, Brendan, Shannon, Michael, and Erin; his commitment and love for his family has earned him the respect and admiration of his colleagues; and

WHEREAS, He graduated with a bachelor's degree in political science from Marquette University in Milwaukee, Wisconsin; he is proud to see his two oldest children enrolled in classes at his alma mater and even more proud to see that they are not following too closely in his footsteps; and

WHEREAS, Being the youngest of eight children, Senator Sullivan learned not only patience, but also the fine art of compromise; he has always made it a point to be kind and courteous to the people around him and he has always appreciated the work people do for him; and

WHEREAS, Senator Sullivan is a committed Catholic; he is a member of St. Paul of the Cross Church in Park Ridge; and

WHEREAS, Senator Dave Sullivan is respected by his colleagues from both political parties for his honesty, integrity, and good-natured sense of humor; he will be remembered as a Senator who took his responsibility as an advocate for his district seriously; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that that we recognize Dave Sullivan for his many accomplishments as he leaves the Illinois Senate and that we wish him well in all future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dave Sullivan to honor him for his years of service to the citizens of Illinois.

Senator Watson, having asked and obtained unanimous consent to suspend the rules for the immediate consideration of the foregoing resolution, moved its adoption.

The motion prevailed.

And the resolution was adopted.

Senators E. Jones - Watson - Hunter and all Senators offered the following Senate Resolution:

SENATE RESOLUTION NO. 509

WHEREAS, The Chicago White Sox, owned by Jerry Reinsdorf, won the 2005 Major League Baseball World Series Championship on October 27, 2005 with a 1-0 victory over the Houston Astros in game four, sweeping the series; and

WHEREAS, The World Series MVP, Jermaine Dye, singled home the only run of game four, while pitcher, Freddy Garcia, and relievers, Cliff Politte, Neal Cotts, and rookie closer, Bobby Jenks, combined on a five-hit shutout and shortstop, Juan Uribe, made two remarkable fielding plays to end the game, capturing the 2005 World Series trophy; and

WHEREAS, During the playoffs, the Chicago White Sox went on one of the most dominant playoff runs in baseball history; the White Sox went 11-1 in the postseason, beating the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros, as their starting pitchers gave them at least seven innings in eleven of the twelve games; and

[November 2, 2005]

WHEREAS, The Chicago White Sox, led by manager, Ozzie Guillen, amassed an American League best ninety-nine wins during the regular season with strong pitching, flawless defense, and clubhouse togetherness; and

WHEREAS, The Chicago White Sox reside on the South Side of Chicago and play at US Cellular Field, once known as the new Comiskey Park, which is located directly across the street from old Comiskey Park where the White Sox played from 1910 until 1990; and

WHEREAS, The Chicago White Sox have earned the title of World Champions for the first time since 1917 when the team defeated the New York Giants four games to two; and

WHEREAS, The Chicago White Sox had not made the trip to the World Series since 1959, when the Sox played the Los Angeles Dodgers in the last year that the city of Chicago and the State of Illinois hosted a Major League Baseball World Series; and

WHEREAS, The Chicago White Sox, during the regular season and playoff run, brought much excitement and great joy to not just Chicago, but to all of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize and applaud the 2005 Chicago White Sox for their accomplishments during the 2005 season, the talent and teamwork they displayed on the field, their excellence and humility off the field, the outstanding coaching staff leading the team, and the brilliant ownership and management that crafted and built the 2005 World Series Champion Chicago White Sox; and be it further

RESOLVED, That we acknowledge and thank Owner and Chairman Jerry Reinsdorf, General Manager Ken Williams, Manager Ozzie Guillen, the Chicago White Sox players: Mark Buehrle, Freddy Garcia, Jose Contreras, Jon Garland, Orlando Hernandez, Neal Cotts, Cliff Politte, Dustin Hermanson, Damaso Marte, Luis Vizcaino, Bobby Jenks, A.J. Pierzynski, Chris Widger, Geoff Blum, Joe Crede, Willie Harris, Tadahito Iguchi, Paul Konerko, Frank Thomas, Pablo Ozuna, Juan Uribe, Jermaine Dye, Timo Perez, Scott Podsednik, Aaron Rowand, and all of the other players, coaches, and staff for their hard work this season and for bringing the World Series title back to Chicago; and be it further

RESOLVED, That we declare November 2, 2005 as Chicago White Sox Day in the Illinois Senate; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Reinsdorf family, Chicago White Sox General Manager Ken Williams, Manager Ozzie Guillen, and the entire Chicago White Sox organization.

Senator Hunter, having asked and obtained unanimous consent to suspend the rules for the immediate consideration of the foregoing resolution, moved its adoption.

The motion prevailed.

And the resolution was adopted.

At the hour of 3:04 o'clock p.m., Senator DeLeo presiding.

At the hour of 3:04 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 6:01 o'clock p.m., the Senate resumed consideration of business.

Senator DeLeo, presiding.

[November 2, 2005]

REPORTS FROM STANDING COMMITTEES

Senator Martinez, Chairperson of the Committee on Pensions & Investments, to which was referred **House Bills numbered 230 and 1009**, reported the same back with the recommendation that the bills do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 3 to House Bill 466

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the Motions to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends that they be adopted:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 676

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 3478

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1208

Motion to Concur in House Amendment 1 to Senate Bill 1213

Motion to Concur in House Amendment 1 to Senate Bill 1843

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Munoz, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 3814

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2900

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 273

Motion to Concur in House Amendment 1 to Senate Bill 319

[November 2, 2005]

Under the rules, the foregoing Motions are eligible for consideration by the Senate.

Senator Lightford, Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to Senate Joint Resolution 52

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

Senator Lightford, Chairperson of the Committee on Education, 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 293

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

Senator Demuzio, Chairperson of the Committee on Licensed Activities, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 331

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

MOTIONS IN WRITING

Senator Harmon submitted the following Motion in Writing:

MOTION

I move that House Bill 2525 do pass, notwithstanding the specific recommendations of the Governor.

Date: November 2, 2005

s/Don Harmon
Senator

Senator Roskam submitted the following Motion in Writing:

MOTION

I move that House Bill 3651 do pass, the veto of the Governor to the contrary notwithstanding.

Date: November 2, 2005

s/Peter Roskam
Senator

Senator Lauzen submitted the following Motion in Writing:

MOTION

Pursuant to Senate Rule 7-15 and having voted on the prevailing side, I hereby move to reconsider the vote by which the motion to override the Governor's total veto of HB 3651 failed.

Date: November 2, 2005

s/Chris Lauzen
Senator

[November 2, 2005]

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

INTRODUCTION OF BILLS

SENATE BILL NO. 2150. Introduced by Senator Demuzio, 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. 2151. Introduced by Senator Schoenberg, 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. 2152. Introduced by Senator Sandoval, 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. 2153. Introduced by Senator Sandoval, a bill for AN ACT concerning property.

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

SENATE BILL NO. 2154. Introduced by Senator Bomke, a bill for AN ACT concerning public employees.

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

SENATE BILL NO. 2155. Introduced by Senator E. Jones, 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. 2156. 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. 2157. Introduced by Senator Wilhelmi, 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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 494

Offered by Senator Clayborne and all Senators:

Mourns the death of Robert E. "Sparrow" Campbell of East St. Louis.

SENATE RESOLUTION 495

Offered by Senator Collins and all Senators:

Mourns the death of Albert "Al" Gillespie, Jr., of Chicago.

SENATE RESOLUTION 496

Offered by Senator Collins and all Senators:
Mourns the death of Fleeta Hansford Clarvoe.

SENATE RESOLUTION 497

Offered by Senator Watson and all Senators:
Mourns the death of Karl Berning, formerly of Deerfield.

SENATE RESOLUTION 498

Offered by Senator Collins and all Senators:
Mourns the death of Earl Duke, Sr.

SENATE RESOLUTION 499

Offered by Senator Collins and all Senators:
Mourns the death of Laura Lucille Cherry Barnes of Chicago.

SENATE RESOLUTION 501

Offered by Senator Link and all Senators:
Mourns the death of Fritz C. Krause of North Chicago.

SENATE RESOLUTION 502

Offered by Senator Link and all Senators:
Mourns the death of Canary Banks of North Chicago.

SENATE RESOLUTION 503

Offered by Senator Link and all Senators:
Mourns the death of Emma Merlock.

SENATE RESOLUTION 504

Offered by Senator Link and all Senators:
Mourns the death of Nicholas Joseph Farella of Park City.

SENATE RESOLUTION 505

Offered by Senator Link and all Senators:
Mourns the death of David R. Ybarra, Jr., formerly of Waukegan.

SENATE RESOLUTION 506

Offered by Senator Link and all Senators:
Mourns the death of William C. Blow of Waukegan.

SENATE RESOLUTION 507

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Katherine M. Geissler of Joliet.

SENATE RESOLUTION 508

Offered by Senator Link and all Senators:
Mourns the death of Gayle Dunn of Waukegan.

SENATE RESOLUTION 510

Offered by Senator Dillard and all Senators:
Mourns the death of John Cotton of Naperville.

SENATE RESOLUTION 512

Offered by Senator Collins and all Senators:
Mourns the death of Louise Higgins of Chicago.

SENATE RESOLUTION 513

Offered by Senator Raoul and all Senators:
Mourns the death of Burnnette Watson of Chicago.

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

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

SENATE RESOLUTION NO. 493

WHEREAS, The holy month of Ramadan is observed by Muslims throughout Illinois and the United States during the month of October; and

WHEREAS, Muslims celebrate this holy time through fasting, prayer, and assisting those who need a helping hand; and

WHEREAS, The citizens of Illinois should respect and honor the faith and traditions of Muslims; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize October as the holy month of Ramadan.

Senator Forby and all Senators offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 511

WHEREAS, The Illinois General Assembly has made the development of affordable and secure energy from Illinois coal a high priority, as evidenced by the Illinois Resource Development and Energy Security Act and numerous other legislative actions; and

WHEREAS, New coal-fueled electric power plants and other power plants can serve as a buffer for Illinois consumers against the increasingly high cost of natural gas and imported petroleum; and

WHEREAS, Delays in constructing new plants elevate the future cost of electric power, which adversely affects purchasers, such as not-for-profit electric cooperatives and their consumers; and

WHEREAS, New technologies, including circulating fluidized bed boiler systems, can significantly control harmful emissions from power plants built under current State and federal air quality regulations; and

WHEREAS, Developers have made substantial investments of private funds to obtain land, water resources, and the necessary permits to construct new coal-fired energy products; and

WHEREAS, It is understandable that citizens residing in the area surrounding a coal-fueled electric power plant may have reasonable concerns over its construction that would best be addressed in a thorough and expeditious manner pursuant to the applicable law; and

WHEREAS, Case No. 05-cv-0495 was filed on May 20, 2005, in the United States District Court for the Southern District of Illinois, to challenge the validity of an air quality preconstruction permit that was issued in Franklin County by the United States Environmental Protection Agency; and

WHEREAS, The viability of this proposed facility may be affected if the proceedings in the United States District Court are unduly prolonged; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Senate respectfully urges the honorable United States District Court for the Southern District of Illinois to expedite a hearing on the merits of the complaint in the

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matter of Case No. 05-cv-0495; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Honorable G. Patrick Murphy, Chief Judge of the United States District Court for the Southern District of Illinois.

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

SENATE RESOLUTION NO. 514

WHEREAS, Community Integrated Living Arrangements (CILAs) currently serve approximately 8,500 individuals with developmental disabilities in Illinois; and

WHEREAS, These individuals manifest a wide range of medical needs, including chronic and acute diseases, post-surgical conditions, and ongoing medical assessment and oversight needs; and

WHEREAS, As individuals served in CILAs advance in age, their medical needs become more acute; and

WHEREAS, The administrative rules adopted by the Department of Human Services require CILA program operators to provide individuals served in CILAs with the necessary services of registered nurses; and

WHEREAS, Registered nurses are critical to the work of the community support team and are the key to providing staff training and oversight with respect to the administration of medications; and

WHEREAS, It is recognized that registered nurses provide necessary health care analysis and staff consultation in CILAs; and

WHEREAS, Having a sufficient number of registered nurses is vital to providing high levels of health care to CILA participants; and

WHEREAS, Current levels of reimbursement by the State of Illinois to CILA providers appear inadequate to recruit and retain sufficient nursing staff; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Department of Human Services shall establish a CILA nursing services reimbursement working group that will examine the scope and responsibilities of registered nurses working within the CILA program and make recommendations with respect to appropriate duties, staffing expertise, salary, wages, and staffing ratios that recognize the multiple site locations of CILAs; and be it further

RESOLVED, That the CILA nursing services reimbursement working group shall also study and evaluate the adequacy of reimbursement rates for nursing services within the CILA rate methodology with respect to their sufficiency and competitiveness of wages; and be it further

RESOLVED, That the CILA nursing services reimbursement working group shall be chaired by the Director of the Division of Developmental Disabilities of the Department of Human Services, shall include CILA providers, representatives from statewide provider and advocacy organizations, other representatives of the Department of Human Services Division of Developmental Disabilities, representatives from the nursing profession, and other appropriate stakeholders, and shall issue a written report of its findings and conclusions to the Secretary of Human Services, the General Assembly, and the Governor no later than March 31, 2006; and be it further

RESOLVED, That a copy of this resolution be sent to the Secretary of Human Services.

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

SENATE JOINT RESOLUTION NO. 55

WHEREAS, Psychotropic medications play an essential role in the treatment of persons with serious mental illnesses; and

WHEREAS, Thousands of persons with serious mental illnesses receive psychotropic medications under the auspices of the Medicaid program operated by the Department of Healthcare and Family Services; and

WHEREAS, The Department of Healthcare and Family Services has adopted a policy of restricting access to three important anti-psychotic medications, Seroquel, Zyprexa and Risperdol Consta, used to treat schizophrenia and other serious mental illnesses by requiring physicians to obtain prior authorization from the Department before these medications are prescribed; and

WHEREAS, The Department of Healthcare and Family Services has imposed these restrictions with the sole purpose of cutting costs; and

WHEREAS, No one who testified at the sole hearing conducted by the Department of Healthcare and Family Services concerning its proposal to restrict access to antipsychotic medications supported the Department's proposal; and

WHEREAS, Despite the requirements of 305 ILCS 5/5-5.12 (d), the Department of Healthcare and Family Services has not conducted a study of the effects on patient care of requiring physicians to obtain prior authorization before prescribing Seroquel, Zyprexa, or Risperdol Consta for the treatment of serious mental illnesses; and

WHEREAS, The prior authorization requirements imposed by the Department are extremely burdensome and time consuming for the physicians who treat Medicaid patients; thus, requiring prior authorization for medications effectively denies patients access to such medications; and

WHEREAS, The clinical effect and side effects of each medication used for the treatment of schizophrenia and other serious mental illnesses vary substantially among the persons treated with these medication; and

WHEREAS, Many persons who are on these medications have already tried all or most of the other medications available to treat these illnesses; and

WHEREAS, Thousands of persons in Illinois are being successfully treated with Seroquel, Zyprexa, or Risperdol Consta; and

WHEREAS, The Department of Healthcare and Family Services' new policy restricts access to Seroquel, Zyprexa, or Risperdol Consta for even those persons currently being successfully treated with these medications; and

WHEREAS, No clinical judgment supports changing persons being successfully treated with an antipsychotic medication to a different antipsychotic medication; and

WHEREAS, Persons with serious mental illnesses who are denied appropriate medications frequently become seriously ill, require expensive hospitalization, lose employment, become homeless, and disrupt their own lives and the lives of their families, friends, and communities; and

WHEREAS, The Department of Healthcare and Family Services' new policy denying persons with serious mental illnesses appropriate medications will costs State, county, and municipal taxpayers more money than it saves; and

WHEREAS, There are many other ways for the Department of Healthcare and Family Services to

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obtain cost savings in the Medicaid program without having a negative effect on the care of people with serious mental illnesses and their families, friends, and communities; 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 of Healthcare and Family Services should rescind its policy of requiring prior authorization for Zyprexa, Seroquel, and Risperdol Consta; and be it further

RESOLVED, That the Department of Healthcare and Family Services not impose restrictions on access to psychotropic medications unless such restrictions are based upon an independent clinical judgment; and be it further

RESOLVED, That a copy of this resolution be delivered to the Director of Healthcare and Family Services.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1920, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2928, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 6:07 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, November 3, 2005, at 11:00 o'clock a.m..