



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

89TH LEGISLATIVE DAY

THURSDAY, MARCH 16, 2006

11:42 O'CLOCK A.M.

SENATE
Daily Journal Index
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The Senate met pursuant to adjournment.
 Senator Rickey R. Hendon, Chicago, Illinois, presiding.
 Prayer by Reverend Shelly Wood, Westminster Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, March 15, 2006, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to House Bill 448
 Senate Committee Amendment No. 1 to House Bill 1261
 Senate Committee Amendment No. 1 to House Bill 1604
 Senate Committee Amendment No. 1 to House Bill 2708
 Senate Committee Amendment No. 1 to House Bill 4132
 Senate Committee Amendment No. 2 to House Bill 4203
 Senate Committee Amendment No. 1 to House Bill 4442
 Senate Committee Amendment No. 1 to House Bill 4453
 Senate Committee Amendment No. 1 to House Bill 4666
 Senate Committee Amendment No. 1 to House Bill 4729
 Senate Committee Amendment No. 1 to House Bill 4829
 Senate Committee Amendment No. 1 to House Bill 4974
 Senate Committee Amendment No. 1 to House Bill 5259

REPORTS FROM STANDING COMMITTEES

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 1744**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **House Bill No. 5260**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Resolution No. 631**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 631** was placed on the Secretary's Desk.

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

Senate Amendment No. 1 to Senate Resolution No. 514

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 **House Bills Numbered 2151, 4127, 4377, 4449, 4822 and 5251**, reported the same back with the recommendation that the bills do pass.

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

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Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bill No. 4161**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 3 to Senate Bill 2310
Senate Amendment No. 2 to Senate Bill 2654

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, to which was referred **House Bill No. 4425**, reported the same back with the recommendation that the bill do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, to which was referred **House Bill No. 4147**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 4519 and 4760**, reported the same back with the recommendation that the bills do pass.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4081, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4296, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4412, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4886, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5257, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5334, sponsored by Senator Ronen, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5462, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Link, Senator Ronen was excused from attendance due to business in her district.

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INTRODUCTION OF BILLS

SENATE BILL NO. 3178. Introduced by Senator Risinger, 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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 671

Offered by Senator Haine and all Senators:
Mourns the death of Barbara Jo Lacey of Alton.

SENATE RESOLUTION 672

Offered by Senator Link and all Senators:
Mourns the death of Christine Marie Forve of Mundelein.

SENATE RESOLUTION 673

Offered by Senator Crotty and all Senators:
Mourns the death of William A. "Bill" Williams of Richton Park.

SENATE RESOLUTION 674

Offered by Senator Shadid and all Senators:
Mourns the death of Bertha M. Archibald of Brimfield.

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

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

SENATE RESOLUTION NO. 675

WHEREAS, It is with deep concern for the hundreds of thousands of citizens nationwide who face increasing difficulties feeding their families that this body joins with the Illinois Interagency Nutrition Council, the Illinois Food Bank Association, and its individual Food Bank members as they support America's Second Harvest's National Hunger Awareness campaign to provide food assistance to hungry children; and

WHEREAS, Because of the sharp downturn in the economy, numerous families on a daily basis are relying on food banks to secure food for their families; and

WHEREAS, In Illinois, 8 food banks provide food assistance to needy families and their children with a variety of feeding programs including Kid's Cafes, Summertime Food Service, and After School Snack programs throughout the year that are all designed to reduce childhood hunger; and

WHEREAS, America's Second Harvest, the largest hunger-relief organization in the United States, has seen an increase in demand for food, particularly among families with children, and it has launched a national campaign to secure additional resources to help ease child hunger; and

WHEREAS, The date of June 6, 2006, has been designated "National Hunger Awareness Day" and the Illinois Food Bank Association members: the Central Illinois Food Bank in Springfield; the Eastern Illinois Food Bank in Urbana; the Greater Chicago Food Depository in Chicago; the Northern Illinois Food Bank in St. Charles, Rockford, and Park City; the Peoria Area Food Bank in Peoria; the River Bend Food Bank in Moline; the St. Louis Food Bank in St. Louis, Missouri; and the Tri-State Food Bank

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in Evansville, Indiana in partnership with over 2,000 emergency food providers, have committed their support for America's Second Harvest's national campaign to provide additional resources from our communities to combat child hunger; and

WHEREAS, The additional attention generated by this National Hunger Awareness Day will benefit the more than one million adults and children who are at or below the poverty level and likely in need of food assistance within Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim June 6, 2006, as "National Hunger Awareness Day" in Illinois to help secure additional resources to help end child hunger; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Food Bank Association members.

At the hour of 11:50 o'clock a.m., Senator Link presiding.

At the hour of 11:55 o'clock a.m., Senator Hendon presiding.

REPORTS FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 16, 2006 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **HOUSE BILLS 448, 1261, 1604, 2708, 4442, 4453, 4666, 4729 and 4974.**

Senator Viverito, Chairperson of the Committee on Rules, during its March 16, 2006 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government: **Senate Resolution No. 662; Senate Joint Resolution No. 83; House Joint Resolutions Numbered 80, 84, 85, 89 and 95.**

Senator Viverito, Chairperson of the Committee on Rules, during its March 16, 2006 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 1 to House Bill 448; Senate Amendment No. 1 to House Bill 1261; Senate Amendment No. 1 to House Bill 1604; Senate Amendment No. 1 to House Bill 2708; Senate Amendment No. 1 to House Bill 4442; Senate Amendment No. 1 to House Bill 4453; Senate Amendment No. 1 to House Bill 4666; Senate Amendment No. 1 to House Bill 4729; Senate Amendment No. 1 to House Bill 4974.**

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Watson, **House Bill No. 1463** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 2497** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 2734** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Garrett, **House Bill No. 4125** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4172** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 4202** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4242** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4286** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 4298** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4298

AMENDMENT NO. 1. Amend House Bill 4298 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Management Board Act is amended by changing Section 15 as follows:
(20 ILCS 4026/15)

Sec. 15. Sex Offender Management Board; creation; duties.

(a) There is created the Sex Offender Management Board, which shall consist of 24 members. The membership of the Board shall consist of the following persons:

(1) Two members appointed by the Governor representing the judiciary, one representing juvenile court matters and one representing adult criminal court matters;

(2) One member appointed by the Governor representing Probation Services;

(3) One member appointed by the Governor representing the Department of Corrections;

(4) One member appointed by the Governor representing the Department of Human Services;

(5) One member appointed by the Governor representing the Illinois State Police;

(6) One member appointed by the Governor representing the Department of Children and Family Services;

(7) One member appointed by the Attorney General representing the Office of the Attorney General;

(8) Two members appointed by the Attorney General who are licensed mental health professionals with documented expertise in the treatment of sex offenders;

(9) Two members appointed by the Attorney General who are State's Attorneys or assistant State's Attorneys, one representing juvenile court matters and one representing felony court matters;

(10) One member being the Cook County State's Attorney or his or her designee;

(11) One member being the Director of the State's Attorneys Appellate Prosecutor or his or her designee;

(12) One member being the Cook County Public Defender or his or her designee;

(13) Two members appointed by the Governor who are representatives of law enforcement, one juvenile officer and one sex crime investigator;

(14) Two members appointed by the Attorney General who are recognized experts in the field of sexual assault and who can represent sexual assault victims and victims' rights organizations;

(15) One member being the State Appellate Defender or his or her designee;

(16) One member being the President of the Illinois Polygraph Society or his or her designee;

(17) One member being the Executive Director of the Criminal Justice Information Authority or his or her designee;

(18) One member being the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers or his or her designee; and

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(19) One member representing the Illinois Principal Association.

(b) The Governor and the Attorney General shall appoint a presiding officer for the Board from among the board members appointed under subsection (a) of this Section, which presiding officer shall serve at the pleasure of the Governor and the Attorney General.

(c) Each member of the Board shall demonstrate substantial expertise and experience in the field of sexual assault.

(d) (1) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (1) through (7) of subsection (a) of this Section shall serve at the pleasure of the official who appointed that member, for a term of 5 years and may be reappointed. The members shall serve without additional compensation.

(2) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (8) through (14) of subsection (a) of this Section shall serve for a term of 5 years and may be reappointed. The members shall serve without compensation.

(3) The travel costs associated with membership on the Board created in subsection (a) of this Section will be reimbursed subject to availability of funds.

(e) The first meeting of this Board shall be held within 45 days of the effective date of this Act.

(f) The Board shall carry out the following duties:

(1) Not later than December 31, 2001, the Board shall develop and prescribe separate standardized procedures for the evaluation and identification of the offender and recommend behavior management, monitoring, and treatment based upon the knowledge that sex offenders are extremely habituated and that there is no known cure for the propensity to commit sex abuse. The Board shall develop and implement measures of success based upon a no-cure policy for intervention. The Board shall develop and implement methods of intervention for sex offenders which have as a priority the physical and psychological safety of victims and potential victims and which are appropriate to the needs of the particular offender, so long as there is no reduction of the safety of victims and potential victims.

(2) Not later than December 31, 2001, the Board shall develop separate guidelines and standards for a system of programs for the evaluation and treatment of both juvenile and adult sex offenders which shall be utilized by offenders who are placed on probation, committed to the Department of Corrections or Department of Human Services, or placed on mandatory supervised release or parole. The programs developed under this paragraph (f) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs shall be structured in such a manner that the programs provide a continuing monitoring process as well as a continuum of counseling programs for each offender as that offender proceeds through the justice system. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the justice system.

(3) There is established the Sex Offender Management Board Fund in the State Treasury into which funds received under any provision of law or from public or private sources shall be deposited, and from which funds shall be appropriated for the purposes set forth in Section 19 of this Act, Section 5-6-3 of the Unified Code of Corrections, and Section 3 of the Sex Offender Registration Act, and the remainder shall be appropriated to the Sex Offender Management Board for planning and research.

(4) The Board shall develop and prescribe a plan to research and analyze the effectiveness of the evaluation, identification, and counseling procedures and programs developed under this Act. The Board shall also develop and prescribe a system for implementation of the guidelines and standards developed under paragraph (2) of this subsection (f) and for tracking offenders who have been subjected to evaluation, identification, and treatment under this Act. In addition, the Board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of the tracking and behavioral monitoring shall be a part of any analysis made under this paragraph (4).

(5) The Board shall examine: the systems of communication between states regarding the interstate movement of registered sex offenders; the laws of Illinois and its border states restricting the residence of convicted or registered sex offenders, including but not limited to those enacted by the States of Iowa and Missouri; the extent to which State and local law enforcement resources are affected by these residency restrictions; the impact of residency restrictions for convicted or registered sex offenders on activities of, and on the resources required by, both county probation departments and the Illinois Department of Corrections. The Board shall contact such agencies as it deems appropriate in Illinois' border states, and shall consult with those agencies regarding these issues and their impact on both

Illinois and its border states. The Board may, in its discretion, hold one or more public hearings related to these issues, and may, in its discretion, hold such hearings at a location convenient to the participation of persons from one or more of Illinois' border states. The Board shall report its findings and recommendations to the Governor and the General Assembly no later than January 1, 2008.

(g) The Board may promulgate rules as are necessary to carry out the duties of the Board.

(h) The Board and the individual members of the Board shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Board as specified in this Section.

(Source: P.A. 93-616, eff. 1-1-04.)

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4300** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4300

AMENDMENT NO. 1. Amend House Bill 4300 on page 2, by inserting immediately below line 33 the following:

"(h) Persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements (such as cage or vault) for Schedule V controlled substances containing pseudoephedrine or Schedule II controlled substances containing dextromethorphan."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 4317** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 4657** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4676** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4688** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Axley, **House Bill No. 4699** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4714** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 4719** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 4785** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **House Bill No. 4832** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 4986** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Raoul, **House Bill No. 4999** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5245** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5300** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 5301** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 5375** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5578** was taken up, read by title a second time and ordered to a third reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Dahl was excused from attendance due to a family emergency.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 671

Offered by Senator Haine and all Senators:
Mourns the death of Barbara Jo Lacey of Alton.

SENATE RESOLUTION 672

Offered by Senator Link and all Senators:
Mourns the death of Christine Marie Forwe of Mundelein.

SENATE RESOLUTION 673

Offered by Senator Crotty and all Senators:
Mourns the death of William A. "Bill" Williams of Richton Park.

SENATE RESOLUTION 674

Offered by Senator Shadid and all Senators:
Mourns the death of Bertha M. Archibald of Brimfield.

The Chair moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Halvorson 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. 85

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, March 16, 2006, the Senate stands adjourned until Wednesday, March 22, 2006 at 12:00 o'clock noon; and the House of Representatives stands adjourned

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until Wednesday, March 22, 2006, at 2:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 12:13 o'clock p.m., pursuant to **Senate Joint Resolution No. 85**, the Chair announced the Senate stand adjourned until Wednesday, March 22, 2006, at 12:00 o'clock noon.