

STATE OF ILLINOIS
93rd GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

95th Legislative Day

4/1/2004

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PRESIDING OFFICER: (SENATOR VIVERITO)

The regular Session of the 93rd General Assembly will please come to order. Will the Members please at their desks? Will our guests in the galleries please rise? The invocation today will be given by the Reverend Senator James Meeks, of the Salem Baptist Church. Reverend Meeks.

THE REVEREND SENATOR JAMES MEEKS:

(Prayer by the Reverend Senator James Meeks)

PRESIDING OFFICER: (SENATOR VIVERITO)

Thank you. Pledge of Allegiance. Please remain standing for the Pledge of Allegiance. Senator Link.

(Pledge of Allegiance)

PRESIDING OFFICER: (SENATOR VIVERITO)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY HAWKER:

Senate Journal of Wednesday, March 31, 2004.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President. Mr. President, I move that the Journal just read by the Secretary be approved, unless a Member of the Senate has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Haine moves to approve the Journals just read by the Secretary. There being no objections, so ordered. Madam Secretary, Messages from the House.

SECRETARY HAWKER:

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'm instructed to ask the concurrence of the Senate, to wit:

House Bills 4712 and 4960.

Passed the House, March 31, 2004.

PRESIDING OFFICER: (SENATOR VIVERITO)

Madam Secretary, Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 69, offered by Senator Hunter.

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And Senate Joint Resolution 70, also offered by Senator Hunter.

And they are both substantive.

PRESIDING OFFICER: (SENATOR VIVERITO)

Madam Secretary, House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 3893, offered by Senator Collins.

(Secretary reads title of bill)

House Bill 4019, offered by Senator Collins.

(Secretary reads title of bill)

House Bill 4086, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 4179, offered by Senators Trotter and Lightford.

(Secretary reads title of bill)

House Bill 4287, offered by Senator Lightford.

(Secretary reads title of bill)

House Bill 4688, offered by Senator Lightford.

(Secretary reads title of bill)

House Bill 4712, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 4960, offered by Senator DeLeo.

(Secretary reads title of bill)

House Bill 4990, offered by Senator Peterson.

(Secretary reads title of bill)

House Bill 5017, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 5025, offered by Senator Walsh.

(Secretary reads title of bill)

House Bill 5613, offered by Senator Clayborne.

(Secretary reads title of bill)

And House Bill 7038, offered by Senator Martinez.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR VIVERITO)

Committee Reports.

SECRETARY HAWKER:

Senator Link, Chairperson of the Committee on Revenue, reports Senate Amendment No. 1 to House Bill 850 Be Adopted {sic} (Be Approved for Consideration).

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PRESIDING OFFICER: (SENATOR VIVERITO)

Now we will proceed to the Order of 2nd Reading. House Bills. Page 11. House Bill 2268. Senator Obama. Senator Obama. Out of the record. Senate Bill -- House Bill 2582. Senator Sullivan. Senator Sullivan. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 2582, offered by Senator Dave Sullivan.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. Senator Althoff, what do you rise..

SENATOR ALTHOFF:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR VIVERITO)

What is your point of personal privilege?

SENATOR ALTHOFF:

I have with me two Pages today. I have Brennan Doherty from McHenry, Illinois. He's one of my constituents. He's in eighth grade and attends Montini Catholic School. And his parents, Steven and Megan Doherty are in the gallery. I also have with me Katie Martin from Park View School in Lombard, Illinois. She actually is in Senator Cronin's district and her parents are also in the gallery with us today, too. Can we give 'em a nice, round, warm welcome? Thank you.

PRESIDING OFFICER: (SENATOR VIVERITO)

Thank you, Senator. Welcome to the Senate. Senator Wojcik, what purpose do you rise?

SENATOR WOJCIK:

I rise for a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR VIVERITO)

What is your point? Yes.

SENATOR WOJCIK:

I have sitting next to me, who is a young Page, and Senator Althoff has brought her down, but she's from my district so I'd like to introduce her. She's Brittany Pravda. She's in sixth grade at the St. Charles Academy in St. Charles. Her parents are in the balcony right over my shoulder here, and they're

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Nancy and Patrick, with her brothers, Jeremy and Ryan. Let's give 'em a great welcome.

PRESIDING OFFICER: (SENATOR VIVERITO)

Welcome to the Senate. House -- House Bill 3865. Senator Clayborne. All right. House Bill 3877. Senator Brady. Senator Brady. Senator Brady. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 3877.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 3882. Senator Haine. Senator Haine. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 3882, offered by Senators Haine and Shadid.

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. Senator Garrett, what purpose do you rise?

SENATOR GARRETT:

Thank you, Mr. President. On a point of personal privilege. I would also like to welcome a Page, Sam Libowsky from Highland Park. He's an eighth grader at Lake Forest Country Day School. And he just told me that he is very interested in running for some elected office some day.

PRESIDING OFFICER: (SENATOR VIVERITO)

Wonderful. Welcome to the Senate. House Bill 4005. President Emil Jones. President Jones. House Bill 4031. Senator Ronen. Senator Ronen. House Bill -- 4031. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill -- pardon me, 4031, offered by Senator Ronen.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

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3rd Reading. House Bill 4032. Senator Obama. Senator Obama. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill -- pardon me, 4032, offered by Senators Obama and Emil Jones.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. Your light's not on, Senator. Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. This bill deals with a circumstance that we've had in the State. We're just moving it to 3rd, right?

PRESIDING OFFICER: (SENATOR VIVERITO)

Right. Right.

SENATOR OBAMA:

Okay. So I -- I wasn't planning on saying something. I thought you thought I needed to.

PRESIDING OFFICER: (SENATOR VIVERITO)

Thank you, Senator. I apologize for that. Senate -- House Bill 4063. Senator Harmon. Senator Harmon. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 4063.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 4157. Senator DeLeo. Senator DeLeo. House Bill 4275. Senator Harmon. Senator Harmon. Please -- Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4275.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

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3rd Reading. House Bill 4371. Senator Obama. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4371.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 4469. Senator Walsh. Senator Walsh. House Bill 4538. Senator Collins. Senator Collins. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4538.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 4538. Senator Collins. Oh! I'm sorry. House Bill 4751. Senator Dillard. Senator Dillard. No. House Bill 4769. Senator Walsh. House Bill 4771. Senator Halvorson. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4771.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 4947. Senator DeLeo. House Bill 4786 {sic}. Senator Collins. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 6786.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 6811. Senator Clayborne. House Bill 7057. Senator Harmon. All right. Let's return to House Bill 6811. Senator Clayborne. Madam Secretary, please read the bill.

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SECRETARY HAWKER:

House Bill 6811.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. House Bill 7057. Senator Harmon. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 7057.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. Oh, no. Have there been any Floor amendments approved for consideration?

SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. Leave of the Body to go to House Bill 4157. Senator DeLeo. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4157.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. At the bottom of page 12, House Bill 4947. Senator DeLeo. Madam Secretary, please read the bill.

SECRETARY HAWKER:

House Bill 4947.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR VIVERITO)

3rd Reading. To fulfill our responsibilities under Article V, Section 9 of the Constitution, we will now proceed to Order of Advice and Consent. Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in the Message of March 26, 2004, and the Secretary of State's appointments set forth in the Messages of October 23rd, 2003, and March 15th, 2004.

PRESIDING OFFICER: (SENATOR VIVERITO)

President -- I mean, Senator Hendon moves that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments set forth in the Message of March 25th {sic}, 2004, and the Secretary of the State's appointments set forth in the Message of order -- October 23rd, 3003 {sic}, and March 15th, 2004. All those in favor will vote Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Senate is now in Executive Session. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon.

SENATOR HENDON:

Mr. President, with respect to the Governor's Message of March 26, 2004, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be a Member and Chair of the Civil Service Commission for a term commencing March 16th, 2004 and ending March 1st, 2005: Chris Kolker.

To be a Judge of the Court of Claims for a term commencing March 5th, 2004 and ending January 19th, 2009: RoseMarie Lipinski.

To be a Judge of the Court of Claims for a term commencing March 5th, 2004 and ending January 16th, 2006: Robert J. Steffen.

To be a Judge on the Court of Claims for a term commencing March 5th, 2004 and ending January 15th, 2007: Donald Storino.

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To be a Member of the Executive Ethics Commission for a term commencing March 19th, 2004 and ending June 30th, 2007: Scott Turow.

To be a Member of the Labor Relations Board; State Panel for a term commencing March 5th, 2004 and ending January 28th, 2008: Rex Piper.

Mr. President, having read the salaried appointments from the Governor's Message of March 26, 2004, I -- I now seek leave to consider the appointment on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR VIVERITO)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Governor's Message of March 26th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, and none voting Present. A majority of the Senators elected concurring by record vote, the Senate does now -- does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Secretary of State Message of October 23rd, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon.

SENATOR HENDON:

Mr. -- Mr. President, with respect to the Secretary of State's Message of October 23rd, 2003, I'll read the salaried appointment of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be a Member of the Secretary of State's Merit Commission for a term commencing August 23rd, 2003 and ending June 30th, 2009: Mike Masterson.

Mr. President, having read the salaried appointment from the Secretary of State's Message of October 23rd, 2003, I now

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seek leave to consider the appointment on a roll call vote. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR VIVERITO)

Is there any discussion? Having -- seeing none, the question is, does the Senate advise and consent to the salaried appointment just read from the Secretary of State's Message of October 23rd. All those -- favor will vote Aye. Opposed, Nay. The vote -- voting is open. Have all voted who have a wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Secretary of State Message of March 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon.

SENATOR HENDON:

Mr. President, with respect to the Secretary of State's Message of March 15th, 2004, I will read the salaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be the Inspector General of the Secretary of State's Office for a term commencing March 15th, 2004 and ending January 1st, 2009: Jim Burns.

To be a Member of the Secretary of State's Merit Commission for a term commencing March 15th, 2004 and ending November 7th, 2007: Judith A. Myers.

To be a Member of the Secretary of State's Merit Commission for a term commencing March 15th, 2004 and ending November 7th, 2007: Duane Noland.

Mr. President, having read the salaried appointments from the Secretary of State's Message of March 15th, 2004, I now seek leave to consider the appointments on a roll call. Mr. President, will you put the question as required by our rules?

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PRESIDING OFFICER: (SENATOR VIVERITO)

Is there any discussion? Seeing none, the question is, does the Senate advise and consent to the salaried appointments just read from the Secretary of State's Message of March 15th. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. Madam Secretary, Committee Reports.

SECRETARY HAWKER:

Senators Hendon and Geo-Karis, Co-Chairmen of the Committee on Executive Appointments, to which was referred the Governor's Message of March 26, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon.

SENATOR HENDON:

Mr. President, with respect to the Governor's Message of March 26, 2004, I will read the nonsalaried appointments of which the Committee on Executive Appointments recommends that the Senate do advise and consent:

To be a Member of the Department of Employment Security Advisory Board for a term commencing March 12th, 2004 and ending January 17th, 2005: John Bouman.

To be a Member of the Advisory Council's Spinal Cord and Head Injuries for a term commencing March 19th, 2004 and ending June 30th, 2006: Sara J. Klaas.

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing March 19th, 2004 and ending June 30th, 2006: Virginia M. Lazzara.

Mr. President, having read the nonsalaried appointments from the Governor's Message of March 26, 2004, I now seek leave to consider the appointments on a roll call. Mr. President, will you put the question as required by our rules?

PRESIDING OFFICER: (SENATOR VIVERITO)

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Is there any discussion? Seeing none, the question is, does the Senate advise and consent to nonsalaried appointments just read from the Governor's Message of March 26th. All those in -- favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Who all -- voted who wish? Have all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, and none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the appointments just read. A majority of Senators... No. No. One more? Mr. -- Senator Hendon.

SENATOR HENDON:

Thank you -- thank you, Mr. President. I move that the Senate arise from Executive Session.

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon moves the Senate arise from Executive Session. All those in favor will vote Aye. Opposed, Nay. The Ayes -- the Ayes have it, and the motion carries. The Senate has arisen from Executive Session. Madam Secretary, Messages.

SECRETARY HAWKER:

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

Message from the President, April 1, 2004.

Pursuant to Rule 2-10, I am scheduling today -- pardon me, scheduling Tuesday, April 6, 2004 and Thursday, April 15, 2004 as perfunctory Session days.

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

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Burzynski, point of personal privilege.

SENATOR BURZYNSKI:

Thank you, Mr. President. Just like the record to reflect that Senator Rauschenberger is out of town on legislative business today.

PRESIDING OFFICER: (SENATOR VIVERITO)

It will be recorded. Thank you, Senator. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed -- any resolutions on the Consent Calendar?

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There have been no objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR VIVERITO)

If there is any discussion. If not, the question shall be the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries and the resolutions are adopted. Madam Secretary, on the Order of Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution No. 71, offered by Senator Hendon.

(Secretary reads SJR No. 71)

PRESIDING OFFICER: (SENATOR VIVERITO)

Senator Hendon moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 71. Those in favor will say Aye. Those opposed, Nay. The Ayes have it, and the rules are suspended. Senator Hendon moves for the adoption of Senate Joint Resolution 71. All in favor will say Aye. All opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Lightford. Point of personal privilege?

SENATOR LIGHTFORD:

Thank you, Mr. President. A point of personal privilege. Ladies -- Ladies and Gentlemen of the Senate, President Jones' right hand, Mr. Jesse Madison, a former House Member and a man that I've come to admire, standing here today. His family is in the President Gallery and I would love for you to welcome his lovely wife, his daughter, son-in-law and his grandchildren. If you could please rise and be recognized by the Members of the Senate.

PRESIDING OFFICER: (SENATOR VIVERITO)

Let's give them a rounding applause. He's a wonderful man. Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I just think the Body should recognize and applaud the fact that David and Flo Luechtefeld who -- are celebrating their fortieth wedding anniversary. Senator Luechtefeld - he's standing over on the Democrat side of the aisle - we want to congratulate you and your wife, Flo, on forty years of marriage and certainly wish you well.

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PRESIDING OFFICER: (SENATOR VIVERITO)

Congratulations. Pursuant to Senate Joint Resolution 71, the Senate stands adjourned until 12 noon on Tuesday, April the 20th, 2004. The Senate stands adjourned.