

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

117TH LEGISLATIVE DAY

MONDAY, JANUARY 6, 2003

3:48 O'CLOCK P.M.

No. 117  
[Jan. 6, 2003]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Senator Adeline J. Geo-Karis.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, December 3, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, December 4, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, December 5, 2002, was being read when on motion of Senator W. Jones 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.

#### REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Reports on FY 2002 Medical Expenditures for services Provided in Prior Fiscal Years (Section (e)(i)), Unpaid Medical Claims on Hand at June 30, 2002 (Section (e)(ii)), and the results of the Department's efforts to combat fraud and abuse (Section (g)(3)), submitted by the Department of Public Aid pursuant to the requirements of the Illinois Compiled Statutes 30 ILCS 105/25, as amended.

The Task Force Report on the Community-Integrated Living Arrangement (CILA) reimbursement methodology submitted by the Department of Human Services as required in House Resolution 852 adopted on May 31, 2002.

The Teacher Health Insurance Funding Task Force Report, December 2002, submitted by the Department of Central Management Services in compliance with Public Act 92-505.

A report on Adults with Disabilities Domestic Abuse Program, Fiscal Year 2002, submitted by the Department of Human Services, Office of the Inspector General, pursuant to Public Act 91-671.

The annual report for 2002, a Report of the Illinois Delegation to the National Conference of Commissioners on Uniform State Laws, December 16, 2002, submitted by the Legislative Reference Bureau.

The Annual Gang Report to the General Assembly, Fiscal Year 2001, submitted by the Department of Corrections, Central Intelligence Unit, in compliance with 730 ILCS 5/3-2-5.

The 2002 Case Report submitted by the Legislative Reference Bureau as required by Section 5.05 of the Legislative Reference Bureau Act, 25 ILCS 135/5.05.

[Jan. 6, 2003]

The 2001 Annual Report, A Journey Toward Excellence, submitted by the Department of Human Services, Office of Rehabilitation Services.

A report on Great START (Strategies to Attract and Retain Teachers) Evaluation: Interim Report, December 2002, prepared by Department of Human and Community Development, University of Illinois at Urbana-Champaign for Bureau of Child Care and Development, Department of Human Services.

The Fiscal Year 2002 Annual Report, Prescriptions for Independence, submitted by the Department on Aging.

A report, Four Years of Progress, 1999-2002, submitted by the Department on Aging.

The Annual Report on the Abandoned Newborn Infant Protection Act submitted by the Department of Children and Family Services in accordance with House Bill 632 and Senate Bill 216 signed by Governor Ryan on August 17, 2001.

The Quarterly Report to the Legislature, October 1, 2002, Adult and Juvenile Facilities submitted by the Department of Corrections.

The FY2002 reports on the financial operations of the Build Illinois Capital Revolving Loan Fund, Illinois Equity Fund, and Large Business Attraction Fund submitted by the Department of Commerce and Community Affairs in compliance with Section 9-9 and 10-9 of PA 84-109 (30 ILCS 750/).

Calendar year 2001 report on the Small Business Utility Advocate submitted by the Small Business Utility Advocate in accordance with the provisions of Public Act 84-686.

The FY 2001 Fiscal Responsibility Report Card of Illinois' local government finances and Individual Data Summaries for counties, municipalities, townships, and special purpose governments in Illinois submitted by the Office of the Comptroller pursuant to the Fiscal Responsibility Report Card Act (35 ILCS 200/30-30 and 200/30-31).

A report on Data on Non-Citizen Children, FY 1999-FY 2001, submitted by the Department of Public Aid, Division of Medical Programs, as required by P.A. 92-0581.

A report on the Agency Action Plan for the Interagency Wetland Policy Act of 1989, November 2002, submitted by the Office of the Governor as required by the Illinois Wetland Policy Act of 1989 (20ILCS830 2-2 (C)).

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

#### COMMUNICATIONS

MARGARET SMITH  
STATE SENATOR - 3RD DISTRICT  
DEPUTY MINORITY CAUCUS CHAIRMAN

December 12, 2002

[Jan. 6, 2003]

Mr. Jim Harry  
Secretary of the Senate  
State Capitol  
Room 401  
Springfield, IL 62706

Dear Mr. Harry:

Please be advised that of this date, I Margaret Smith, am resigning from both my position as the State Senator of the 3rd Legislative District for the 92nd General Assembly, and the Senator-Elect of the 3rd Legislative District for the 93rd General Assembly.

Sincerely,

s/Margaret Smith  
State Senator

cc: Minority Leader Emil Jones, Jr.  
President James "Pate" Philip  
Jackie Price, Index Division, Secretary of State  
Ronald D. Michaelson, Ex. Director, State Board of Elections  
Chairman, Legislative Committee for the 3rd Legislative District  
Legislative Research Unit

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE  
SECRETARY OF STATE

December 20, 2002

Honorable Jim Harry  
Secretary of the Senate  
Room 401  
Capitol Building  
Springfield, Illinois 62706

Dear Mr. Harry:

This office is forwarding herewith copies of the Notice of Vacancy from the Democratic Legislative Committee of the Third Legislative District declaring the existence of a vacancy in the Office of Senator in the Ninety-Second General Assembly in the Third Legislative District, as a result of the resignation of Margaret Smith.

Also enclosed is the copy of the Democratic Legislative Committee's Certificate of Appointment, along with the Oath of Office, for Elga L. Jefferies, 3516 S. Rhodes, Chicago, Illinois, who was appointed to fill the vacancy in the Office of Senator, in the 92nd General Assembly for the Third Legislative District.

Yours truly,

s/Jesse White  
Secretary of State

[Jan. 6, 2003]

December 19, 2002

Mr. Jim Harry  
Secretary of the Senate  
Room 401, Capitol Building  
Springfield, IL 62706

Dear Mr. Harry:

Please be advised the the Democratic Legislative Committee for the 3rd Legislative District met on December 19, 2002, and declared that a vacancy exists in the office of Senator in the 92nd General Assembly for the 3rd Legislative District of the State of Illinois as a result of the resignation of Senator Margaret Smith.

You are hereby notified of the vacancy in the office of Senator in the General Assembly for the 3rd Legislative District of the State of Illinois as a result of the resignation of Senator Margaret Smith.

s/Bobby Rush  
Chairman, Democratic Legislative  
Committee for the 3rd Legislative  
District

CERTIFICATE OF APPOINTMENT  
TO FILL VACANCY IN THE OFFICE OF  
SENATOR IN THE GENERAL ASSEMBLY

WHEREAS, a vacancy currently exists in the office of Senator in the General Assembly for the 3rd Legislative District by reason of the resignation of Senator Margaret Smith, who was duly elected Senator in the 92nd General Assembly from the 3rd Legislative District, as a candidate of the Democratic Party, in the General Election held on November 7, 2000; and

WHEREAS, the Legislative Committee of the Democratic Party of the 3rd Legislative District has declared the existence of the vacancy in said office and has voted to fill the vacancy in said office as required by Section 25-6 of the Election Code; and

WHEREAS, Margaret Smith received a total number of 53,208 votes at the general election held on November 7, 2002; and

WHEREAS, the total number of votes necessary to appoint a successor to fill the vacancy in the office of Senator in the General Assembly from the 3rd Legislative District is 26,605; and

WHEREAS, Elga L. Jefferies who resides at 3516 S. Rhodes, Chicago, received a total of 51,861 votes to fill the vacancy of said office; therefore

BE IT RESOLVED, that the Legislative Committee of the Democratic Party of the 3rd Legislative District of the 92nd General Assembly of Illinois hereby appoints Elga L. Jefferies who resides at 3516 S. Rhodes, Chicago, a member of the Democratic Party, to the office of Senator in the General Assembly from the 3rd Legislative District of Illinois.

Dated: 12/19/02

s/Bobby Rush  
Chairman

s/Toni Preckwinkle  
by Arenda Troutman

s/John P. Daley  
Committeeman

s/Dorothy Tillman  
Committeeman

[Jan. 6, 2003]

s/George Dunne by proxy  
Committeeman

s/Jesse White by proxy  
Committeeman

s/Peggy Roth by proxy  
Committeeman

STATE OF ILLINOIS

OATH OF OFFICE

COUNTY OF COOK

I, Elga L. Jefferies, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Senator in the 92nd General Assembly for the 3rd Legislative District of the State of Illinois to the best of my ability

s/Elga Lee Jefferies

Subscribed and sworn to before me, this 19th day of December, 2002.

s/Brenda E. Simmons-Ramsey  
Notary Public, State of Illinois

ILLINOIS STATE SENATE  
JUDITH A. MYERS  
State Senator - 53rd District

December 10, 2002

Mr. Jim Harry  
Secretary of the Senate  
Illinois State Senate  
Room 401 State Capitol  
Springfield, IL 62706

Dear Jim:

Please be advised that I announce my resignation from the Illinois State Senate effective at the close of business, December 10, 2002.

Very truly yours,

s/Judith A. Myers  
State Senator

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE  
SECRETARY OF STATE

[Jan. 6, 2003]

January 6, 2002

Honorable Jim Harry  
 Secretary of the Senate  
 Room 401  
 Capitol Building  
 Springfield, Illinois 62706

Dear Mr. Harry:

This office is forwarding herewith copies of the Notice of Vacancy from the Republican Legislative Committee of the Fifty-Third Legislative District declaring the existence of a vacancy in the Office of Senator in the Ninety-Second General Assembly in the Fifty-Third Legislative District, as a result of the resignation of Judith Myers.

Also enclosed is the copy of the Republican Legislative Committee's Certificate of Appointment for Dale Righter, 3432 Western Avenue, Mattoon, Illinois 61938, who was appointed to fill the vacancy in the Office of Senator, in the 92nd General Assembly for the Fifty-Third Legislative District, along with the Oath of Office.

Yours truly,

s/Jesse White  
 Secretary of State

NOTICE OF VACANCY

The Honorable  
 Secretary of the Senate  
 401 State Capitol  
 Springfield, IL 62706

Dear Mr. Secretary:

Please be advised that the Legislative Committee for the 53rd Legislative District met on December 21, 2002 and declared that a vacancy exists in the office of Senator in the General Assembly for the 53rd Legislative District of the State of Illinois as a result of the resignation of Judith Myers.

Dated: December 21, 2002

s/Steven D. Kelley  
 Chairman  
 53rd Legislative District

CERTIFICATE OF APPOINTMENT  
 TO FILL VACANCY IN THE OFFICE OF  
 SENATOR IN THE GENERAL ASSEMBLY

WHEREAS, a vacancy currently exists in the office of Senator in the General Assembly for the 53rd Legislative District by reason of the resignation of Senator Judith Myers, who was duly elected Senator in the 92nd General Assembly from the 53rd Legislative District; as a candidate of the Republican Party, in the General Election held on November 3, 1998; and

WHEREAS, the Legislative Committee of the Republican Party of the

[Jan. 6, 2003]

53rd Legislative District has declared the existence of a vacancy in said office and has voted to fill the vacancy in said office as required by Section 25-6 of the Election Code; and

WHEREAS, Judith Myers received a total number of 42,543 votes at the general election held on November 3, 1998; and

WHEREAS, Dale Richter, who resides at 3432 Western Avenue, Mattoon, IL, 61938 received a total of 42,543 votes to fill the vacancy of said office; therefore

BE IT RESOLVED, that the Legislative Committee of the Republican Party of the 53rd Legislative district of the 92nd General Assembly of the State of Illinois hereby appoints Dale Richter who resides at 3432 Western Avenue, Mattoon, IL 61938 a member of the Republican Party, to the office of Senator in the General Assembly from the 53rd Legislative District of Illinois.

Dated: 12-21-02

s/Steve Kelley  
Chairman

s/Charles E. McGrew  
Vice-Chairman

s/Gary A. Tingley  
Chairman

s/Ted Lang  
Chairman

s/Max E. Coffey  
Chairman

s/Russell Geisler  
Chairman

#### STATE OF ILLINOIS

I, Dale A. Richter, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Senator for the 53rd Legislative District to the best of my ability.

s/Dale A. Richter

Subscribed and sworn before me, this 3rd day of January, 2003.

s/Teresa K. Richter  
Associate Circuit Judge  
5th Judicial Circuit

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 567

Offered by Senator Clayborne and all Senators:  
Mourns the death of Maewood Tims Thornton

##### SENATE RESOLUTION NO. 568

Offered by Senator Clayborne and all Senators:  
Mourns the death of Levi Moore, Sr.

##### SENATE RESOLUTION NO. 569

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Robert M. Lindblad of Antioch.

##### SENATE RESOLUTION NO. 570

Offered by Senator Geo-Karis and all Senators:

[Jan. 6, 2003]



Mourns the death of Margaret Austin of Beach Park.

**SENATE RESOLUTION NO. 571**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Anton E. Urgan, D.D.S. of Antioch.

**SENATE RESOLUTION NO. 572**

Offered by Senator Link and all Senators:  
Mourns the death of Marvin Smith Sr. of Waukegan.

**SENATE RESOLUTION NO. 573**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Ruth Anne Denny of St. Louis.

**SENATE RESOLUTION NO. 574**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Corrine Jule Rose of Waukegan.

**SENATE RESOLUTION NO. 575**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Representative Timothy H. Osmond of Antioch.

**SENATE RESOLUTION NO. 576**

Offered by Senator Dillard and all Senators:  
Mourns the death of Stephen Szymiski of Westmont.

**SENATE RESOLUTION NO. 577**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Jane E. Lanter of Shiloh.

**SENATE RESOLUTION NO. 578**

Offered by Senator Lauzen and all Senators:  
Mourns the death of James R. Caine of St. Charles.

**SENATE RESOLUTION NO. 579**

Offered by Senator O'Malley and all Senators:  
Mourns the death of Raymond F. Bryska of Palos Heights.

**SENATE RESOLUTION NO. 580**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of Mary Louise Gunia of Round Lake Park.

**SENATE RESOLUTION NO. 581**

Offered by Senator Demuzio, E. Jones and all Senators:  
Mourns the death of Robert "Bob" J. Nadalini of Auburn.

**SENATE RESOLUTION NO. 582**

Offered by Senator Demuzio, E. Jones and all Senators:  
Mourns the death of Roy B. Weller of Carlinville.

**SENATE RESOLUTION NO. 583**

Offered by Senator Demuzio, E. Jones and all Senators:  
Mourns the death of Carl Brockmeier of Carlinville.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Karpziel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

[Jan. 6, 2003]

At the hour of 3:56 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 4:20 o'clock p.m., the Senate resumed consideration of business.

Senator Karpiel, presiding.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

JAMES "PATE" PHILIP  
SENATE PRESIDENT

January 6, 2003

Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rules 3-1 and 3-2, I hereby appoint Senator Peter Roskam to the vacancy on the Senate Executive Appointments Committee created by the resignation of Senator Judy Myers, effective immediately.

Sincerely

s/James "Pate" Philip  
Senate President

CC: Senator Roskam  
Senator Jones

MESSAGE FROM THE GOVERNOR

A Message for the Governor by Kraig Lounsberry  
Acting Director of Legislative Affairs

January 6, 2003

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To The Honorable  
Members of the Senate  
Ninety-Second General Assembly:

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and

[Jan. 6, 2003]

confirmation of these appointments of your Honorable Body:

POLLUTION CONTROL BOARD

To be a member of the Pollution Control Board for a term commencing January 13, 2003, and ending July 1, 2004:

Lynne Padovan of Charleston  
Salaried

To be a member of the Pollution Control Board for a term commencing January 10, 2003, and ending July 1, 2005:

Doris Karpiel of Carol Stream  
Salaried

PROPERTY TAX APPEAL BOARD

To be a member of the Property Tax Appeal Board for a term commencing February 1, 2003, and ending January 17, 2005:

William Darr of Park Ridge  
Salaried

SMALL BUSINESS UTILITY ADVOCATE

To be the Small Business Utility Advocate for a term commencing March 1, 2003, and ending February 6, 2006:

William Shaw of Dolton  
Salaried

ADVISORY BOARD OF THE ABRAHAM LINCOLN PRESIDENTIAL LIBRARY

To be members of the Advisory Board of the Abraham Lincoln Presidential Library for terms commencing upon confirmation by the Senate, and ending December 31, 2006:

Warrick L. Carter of Chicago  
Non-Salaried

Anna Eleanor Roosevelt of Chicago  
Non-Salaried

To be members of the Advisory Board of the Abraham Lincoln Presidential Library for terms commencing upon confirmation by the Senate, and ending December 31, 2005:

Marilyn H. Boria of Elmhurst  
Non-Salaried

John B. Roe of Bradenton, Florida  
Non-Salaried

To be members of the Advisory Board of the Abraham Lincoln Presidential Library for terms commencing upon confirmation

[Jan. 6, 2003]

by the Senate, and ending December 31, 2004:

Charles F. Bryan, Jr. of Richmond, Virginia  
Non-Salaried

Bill Kurtis of Chicago  
Non-Salaried

To be a member of the Advisory Board of the Abraham  
Lincoln Presidential Library for a term commencing  
upon confirmation by the Senate, and ending December 31,  
2003:

Anthony J. Leone, Jr. of Springfield  
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN

To be the Public Administrator and Public Guardian  
of McLean County for a term ending December 5, 2005:

Daniel G. Deneen of Bloomington  
Non-Salaried

GEORGE H. RYAN

Under the rules, the foregoing Message was referred to the  
Committee on Executive Appointments.

MOTION IN WRITING

Senators Philip - E. Jones submitted the following Motion in  
Writing:

Pursuant to Senate Rule 7-17(d) we move that Senate Rule 10(b) be  
suspended for the purpose of hearing the Governor's Message dated  
January 6, 2003 in the Senate Executive Appointments Committee  
hearing previously posted, pursuant to Senate rule 10(d), for  
tomorrow, January 7, at 9 o'clock a.m., in Room 212. The purpose of  
the original posting is to hear the Governor's Message dated December  
5, 2002.

DATED: January 6, 2003

s/Senator James "Pate" Philip                      s/Senator Emil Jones, Jr.

The motion prevailed.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 584

Offered by Senator Bomke and all Senators:  
Mourns the death of Robert "Bob" J. Nadalini of Auburn.

The foregoing resolution was referred to the Resolutions Consent  
Calendar.

Senator Weaver offered the following Senate Resolution and,  
[Jan. 6, 2003]

having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 585

RESOLVED BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Committee of three (3) members of the Senate be appointed, two (2) members to be appointed by the President and one (1) member to be appointed by the Minority Leader, to approve the final Journals of the Senate of the Ninety-Second General Assembly where such journals have not, prior to the adjournment SINE DIE, been approved by the body as a whole.

The motion prevailed.  
And the resolution was adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by  
Mr. Rossi, 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 2277

A bill for AN ACT in relation to local government bonds.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2277.

Concurred in by the House, January 6, 2003.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, 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 2742

A bill for AN ACT in relation to taxation.

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2742.

Concurred in by the House, January 6, 2003.  
ANTHONY D. ROSSI, Clerk of the House

A message from the House by  
Mr. Rossi, 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 5222

A bill for AN ACT in relation to vehicles.

[Jan. 6, 2003]

Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 5222.

Concurred in by the House, January 6, 2003.  
ANTHONY D. ROSSI, Clerk of the House

At the hour of 4:32 o'clock p.m., on motion of Senator Weaver,  
the Senate stood adjourned until Tuesday, January 7, 2003 at 10:00  
o'clock a.m.

[Jan. 6, 2003]