



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**159TH LEGISLATIVE DAY**

**THURSDAY, NOVEMBER 18, 2004**

**9:20 O'CLOCK A.M.**

**SENATE**  
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**159th Legislative Day**

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The Senate met pursuant to adjournment.  
 Honorable Emil Jones, Jr., President of the Senate, presiding.  
 Prayer by Pastor Jerry Doss, Abundant Faith Christian Center, Springfield, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, November 17, 2004, was being read when on motion of Senator Haine, 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.

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Raoul moved that **House Joint Resolution No. 100**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Raoul moved that House Joint Resolution No. 100 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Demuzio, **Senate Bill No. 2253**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Demuzio moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Watson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2253**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 9:55 o'clock a.m., Senator Halvorson presiding.

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On motion of Senator Peterson, **Senate Bill No. 2277**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Peterson moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

Yeas 59; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2277**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 3090**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Harmon moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

Yeas 43; Nays 12.

The following voted in the affirmative:

Clayborne	Harmon	Peterson	Silverstein
Collins	Hendon	Petka	Soden
Cronin	Hunter	Radogno	Sullivan, D.
Crotty	Jacobs	Raoul	Trotter
Cullerton	Lauzen	Risinger	Viverito
del Valle	Lightford	Ronen	Walsh
DeLeo	Link	Rutherford	Watson
Dillard	Maloney	Sandoval	Welch
Garrett	Martinez	Schoenberg	Winkel
Geo-Karis	Meeks	Shadid	Mr. President
Haine	Munoz	Sieben	

The following voted in the negative:

Althoff	Forby	Righter
Bomke	Halvorson	Roskam
Burzynski	Jones, J.	Sullivan, J.
Demuzio	Rauschenberger	Wojcik

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The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3090**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **Senate Bill No. 2234**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2234**.

Ordered that the Secretary inform the House of Representatives thereof.

#### CONSIDERATION OF HOUSE BILLS ON CONSIDERATION POSTPONED

On motion of Senator Winkel, **House Bill No. 768** having been read by title a third time on November 17, 2004, and pending roll call further consideration postponed, was taken up again on third reading.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 48; Nays 11.

The following voted in the affirmative:

Althoff	Haine	Petka	Soden
Bomke	Harmon	Radogno	Sullivan, D.
Brady	Jacobs	Raoul	Sullivan, J.
Burzynski	Jones, J.	Rauschenberger	Syverson
Clayborne	Jones, W.	Righter	Viverito
Cronin	Lauzen	Risinger	Watson
Cullerton	Link	Ronen	Winkel
del Valle	Luechtefeld	Roskam	Wojcik
DeLeo	Maloney	Rutherford	Mr. President
Demuzio	Martinez	Sandoval	
Forby	Meeks	Schoenberg	

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Garrett	Munoz	Sieben
Geo-Karis	Peterson	Silverstein

The following voted in the negative:

Collins	Halvorson	Lightford	Walsh
Crotty	Hendon	Shadid	Welch
Dillard	Hunter	Trotter	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Watson, **House Bill No. 1000** having been read by title a third time on November 17, 2004, and pending roll call further consideration postponed, was taken up again on third reading.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 32; Nays 24.

The following voted in the affirmative:

Althoff	Jones, W.	Risinger	Walsh
Bomke	Lauzen	Roskam	Watson
Burzynski	Luechtefeld	Rutherford	Winkel
Clayborne	Munoz	Sandoval	Wojcik
DeLeo	Peterson	Shadid	Mr. President
Geo-Karis	Petka	Sieben	
Haine	Radogno	Soden	
Jacobs	Rauschenberger	Syverson	
Jones, J.	Righter	Viverito	

The following voted in the negative:

Collins	Garrett	Martinez	Sullivan, J.
Cronin	Halvorson	Meeks	Trotter
Crotty	Harmon	Raoul	Welch
del Valle	Hendon	Ronen	
Demuzio	Hunter	Schoenberg	
Dillard	Lightford	Silverstein	
Forby	Maloney	Sullivan, D.	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

### CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Tuesday, November 16, 2004 and journalized Tuesday, November 16, 2004, Senator Trotter moved that **House Bill No. 7029** 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 56; Nays None.

The following voted in the affirmative:

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

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.

#### HOUSE BILL RECALLED

On motion of Senator Schoenberg, **House Bill No. 3589** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

#### AMENDMENT NO. 7

AMENDMENT NO. 7. Amend House Bill 3589 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Ronald Reagan Biomedical Research Act.

Section 5. Declaration of findings. The General Assembly finds and declares all of the following:

(1) An estimated 128 million Americans suffer from the crippling economic and psychological burden of chronic, degenerative, and acute diseases, including diabetes, Parkinson's disease, cancer, and Alzheimer's disease.

(2) The costs of treatment and lost productivity of chronic, degenerative, and acute diseases in the United States constitutes hundreds of billions of dollars every year. Estimates of the economic costs of these diseases do not account for the extreme human loss and suffering associated with these conditions.

(3) Stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and a critical means to explore fundamental questions of biology. Stem cell research could lead to unprecedented treatments and potential cures for diabetes, Alzheimer's disease, cancer, and other diseases.

(4) The United States has historically been a haven for open scientific inquiry and technological innovation, and this environment, coupled with the commitment of public and private resources, has made the United States the preeminent world leader in biomedicine and biotechnology.

(5) Open scientific inquiry and publicly funded research will be essential to realizing the promise of stem cell research and to maintaining the United States' worldwide leadership in biomedicine and biotechnology.

(6) Stem cell research, including the use of embryonic stem cells for medical research, raises significant ethical and policy concerns, and, while not unique, the ethical and policy concerns associated with stem cell research must be carefully considered.

(7) Public policy on stem cell research must balance ethical and medical considerations.

The policy must be based on an understanding of the science associated with stem cell research and grounded on a thorough consideration of the ethical concerns regarding this research. Public policy on stem cell research must be carefully crafted to ensure that researchers have the tools necessary to fulfill the promise of stem cell research.

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Section 10. Policy permitting research. The policy of the State of Illinois shall be as follows:

(1) That research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation, shall be permitted and that the ethical and medical implications of this research shall be given full consideration.

(2) That research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells, including somatic cell nuclear transplantation, shall be reviewed by an approved institutional review board, as determined by the Department of Public Health.

Section 15. Information requirement.

(a) An individual receiving fertility treatment shall have the option to choose among the available means of disposing of any human embryos remaining following the fertility treatment. These means may include storing the unused embryos, donating unused embryos to another individual, discarding the embryos, or donating the remaining embryos for research.

(b) An individual who elects to donate embryos remaining after fertility treatments for research shall provide written consent.

Section 20. Purchase or sale prohibited.

(a) A person may not knowingly, for valuable consideration, purchase or sell embryonic or cadaveric fetal tissue for research purposes.

(b) For the purposes of this Section, the giving or receiving of reasonable payment for the removal, processing, disposal, preservation, quality control, storage, transplantation, or implantation of the tissue does not constitute purchase or sale. This Section does not prohibit reimbursement for removal, storage, or transportation of embryonic or cadaveric fetal tissue for research purposes pursuant to this Act.

(c) A person who knowingly purchases or sells embryonic or cadaveric fetal tissue for research purposes in violation of subsection (a) of this Section is guilty of a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

(d) Embryonic or cadaveric fetal tissue may be donated for research purposes pursuant to this Act.

Section 25. Liability.

(a) Except as provided in subsection (b) of this Section, procuring, furnishing, donating, processing, distributing, or using embryonic or cadaveric fetal tissue for research purposes pursuant to this Act is declared for the purposes of liability in tort or contract to be the rendition of a service by every person, firm, or corporation participating therein, whether or not remuneration is paid, and is declared not to be a sale of any such items and no warranties of any kind or description nor strict tort liability shall be applicable thereto.

(b) A person, firm, or corporation involved in the rendition of a service described in subsection (a) of this Section warrants to the person, firm, or corporation receiving the service that he or she has exercised due care and followed professional standards of care in providing the service according to the current state of the medical arts.

Section 30. Cloning of human being; criminal penalty. A person who knowingly engages or assists, directly or indirectly, in the cloning of a human being is guilty of a Class 1 felony. As used in this Section, "cloning of a human being" means asexual human reproduction by implanting or attempting to implant the product of nuclear transplantation into a woman's uterus or a substitute for a woman's uterus. Nothing in this Section prohibits somatic nuclear transfer or transplantation."

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

Yeas 28; Nays 29; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Walsh
Crotty	Hendon	Radogno	Welch
Cullerton	Hunter	Raoul	Mr. President

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del Valle	Jacobs	Ronen
Dillard	Lightford	Sandoval
Garrett	Link	Schoenberg
Geo-Karis	Martinez	Silverstein

The following voted in the negative:

Althoff	Jones, W.	Risinger	Syverson
Bomke	Lauzen	Roskam	Viverito
Burzynski	Luechtefeld	Rutherford	Watson
Cronin	Maloney	Shadid	Winkel
Demuzio	Peterson	Sieben	Wojcik
Forby	Petka	Soden	
Haine	Rauschenberger	Sullivan, D.	
Jones, J.	Righter	Sullivan, J.	

The following voted present:

DeLeo

The motion lost.

And **House Bill No. 3589** was ordered to a third reading.

#### REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

#### First Conference Committee Report to Senate Bill 3186

The foregoing conference committee report was placed on the Senate Calendar.

#### 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 concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 640

A bill for AN ACT in relation to elections.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 640

Concurred in by the House, November 18, 2004, by a three-fifths vote.

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. 89

Concurred in by the House, November 18, 2004.

MARK MAHONEY, Clerk of the House

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**PRESENTATION OF RESOLUTION**

**SENATE RESOLUTION 748**

Offered by Senator Demuzio-E. Jones and all Senators:  
Mourns the death of Donna Kay Zippay of Mt. Olive

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

Senator E. Jones offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

**SENATE RESOLUTION NO. 747**

WHEREAS, The Senate is grateful to those members who have devoted their energy and talent to the betterment of this body and the well being of the people of the State of Illinois; and

WHEREAS, Lawrence M. Walsh of Elwood has been a member of the Illinois Senate since 1997 and has served this body with distinction; and

WHEREAS, Senator Walsh has served as Chairperson of the Agriculture & Conservation Committee and has been a member of the Committees on Local Government, Labor & Commerce, State Government Operations, and Financial Institutions; and

WHEREAS, Senator Walsh's many legislative accomplishments include sponsorship or co-sponsorship of legislation requiring warning labels on retail gas pumps when fuels contain 2% or more of MTBE, suspending the 5% sales tax on gasoline for six months, increasing penalties for sexual predators who solicit children over the Internet, creating a "one call" process to promote easier and safer digging during excavation or demolition, giving property tax relief to homeowners, furthering Alzheimer's research, increasing funding for education, and comprehensively rewriting the Illinois Grain Code; and

WHEREAS, He passed landmark legislation making popcorn the State Snack of Illinois; and

WHEREAS, His soft-spoken demeanor has made him a required study for freshmen Senators honing their oratorical skills; and

WHEREAS, He has served on numerous Blue Ribbon Commissions throughout the State; and

WHEREAS, His early endorsement of Senator Barack Obama for U.S. Senate helped catapult him to national prominence; and

WHEREAS, Senator Walsh has received many awards for his public service; he has served as Jackson Township Supervisor, as a Will County Board member, and as Will County Democratic Chairman; and

WHEREAS, He is known for being a staff-friendly Senator who opens up his home to all and never forgets a name; and

WHEREAS, Senator Walsh will be remembered fondly by those who served with him in the Illinois Senate; he was elected Will County Executive in November and he will ably serve the public in his new position; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Senator Lawrence M. Walsh upon his retirement from the Senate and his assumption of his new duties as Will County Executive, and we offer our best wishes to him and his wife, Irene, their children, Larry, Jr., Frank, Matthew, Sarah, Shawn and Brian; and their ten grandchildren; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Larry Walsh as an  
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expression of our esteem and respect for our colleague and friend.

The Motion prevailed.  
And the resolution was adopted.

Senator Watson offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

**SENATE RESOLUTION NO. 749**

WHEREAS, Ray Soden has served the citizens of DuPage County in the Illinois State Senate since May 1, 2003; and

WHEREAS, Ray was chosen to replace Senator James "Pate" Philip (R-Wood Dale) who retired April 30, 2003; and

WHEREAS, The 23rd District State Senator serves on the Senate Revenue Committee; and

WHEREAS, A strong advocate for veterans, Senator Soden also serves on the Senate Republican Task Force on Veterans; and

WHEREAS, Ray served in World War II as a Navy sonarman 3rd class; and

WHEREAS, Soden enlisted in the United States Navy soon after the bombing of Pearl Harbor; and

WHEREAS, He was assigned to the USS Claxton and took part in the North Africa invasion in November 1942; and

WHEREAS, His squadron was then sent to the Pacific theater of operations, where he saw action in the landings at Okinawa, Saipan, Guam, Leyte Gulf, and Iwo Jima; and

WHEREAS, His military service was recognized with European and Asiatic Campaign Medals and seven battle stars; and

WHEREAS, His squadron received two Presidential Unit Citations; and

WHEREAS, Following military service, Soden returned to Illinois and went to work for the Illinois Bell Telephone Company, from which he is now retired; and

WHEREAS, He joined the Veterans of Foreign Wars in 1949 at Post 2149 in Bensenville; and

WHEREAS, He soon became Post Commander, and through the hard work that is the hallmark of his career, increased membership by 573; and

WHEREAS, He then moved on through District and Department chairs, winning election as Department Commander in 1964; and

WHEREAS, Soden has also received many appointments over the years: chairman of the Voice of Democracy Committee; vice-chairman of the National Security and Foreign Affairs Committee; chairman of the National Bicentennial Committee; and

WHEREAS, Several times, he also served on the National Convention Committee, and in 1965, served as President of the VFW National Convention Corporation; and

WHEREAS, Ray served as Commander-in-Chief of the national VFW organization from 1973 to 1974; and

WHEREAS, As Commander-in-Chief, he presided over the VFW's 75th anniversary, a year in which the organization took major steps to find out what happened to the prisoners of war who had not returned

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from Vietnam, and to call for better care and treatment of those veterans who had returned; and

WHEREAS, Ray and his wife, Shirley, live in Wood Dale and have three children, six grandchildren, and seven great-grandchildren; and

WHEREAS, He is active in many civic projects and is a member of several civic organizations, including the Lions and Kiwanis; and

WHEREAS, Soden served as a DuPage County Board member from 1982 to 1992 and was president of the DuPage County Forest Preserve District from 1988 to 1992; and

WHEREAS, He is a former president of the Oak Park and Bensenville Lions Clubs and the Telephone Pioneers; and

WHEREAS, He was named Wood Dale Citizen of the Year in 2001; and

WHEREAS, An accomplished singer, Soden performed on the National Barn Dance program and shared the microphone with such stars as George Gobel, Lulabelle and Scotty, Homer and Jethro, Red Foley, and Andy Williams; and

WHEREAS, In his 20 months as State Senator, he has earned the respect and admiration of his colleagues by handling his duties with the ease and aplomb of a veteran lawmaker; and

WHEREAS, Lawmakers and staff know Senator Soden as a friendly person whose gentlemanly elegance evokes a more gracious era; and

WHEREAS, His easy smile and kindness will be missed during the long hours of debate on the Senate floor; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank Ray Soden for his dedicated service as a State Senator for the 23rd District, and wish him well in all his future endeavors; and be it further

RESOLVED, That a suitable copy of this preamble and resolution be presented to Ray Soden with our thanks for a job well done.

The Motion prevailed.  
And the resolution was adopted.

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

#### **SENATE RESOLUTION NO. 750**

WHEREAS, 2004 commemorates the 50th anniversary of the landmark U.S. Supreme Court decision, *Brown v. Board of Education of Topeka, Kansas*, that in 1954 sounded the death knell for an era in which white and non-white schoolchildren attended "separate but equal" schools; and

WHEREAS, Mexican Americans have been at the forefront of the struggle against public school segregation; and

WHEREAS, *Roberto Alvarez v. the Board of Trustees of the Lemon Grove School District* in 1931 was the first successful desegregation case in the United States; and

WHEREAS, In 1944, Gonzalo and Felicitas Mendez moved to the predominantly Anglo town of Westminster, California, and their children were denied enrollment in the neighborhood school because the school district did not allow children who appeared to be Hispanic to integrate with Anglo students; and

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WHEREAS, Mr. Mendez and four other Mexican-American families launched a legal battle March 2, 1945, against four Orange County school districts, that ultimately resulted in the dismantling of school segregation laws in California and throughout the Southwest; and

WHEREAS, Mendez v. Westminster School District in 1947 was the first federal case to find that segregation based on national origin was a violation of the 14th Amendment's equal-protection clause, and it would be the catalyst for a ripple-effect that would open broad opportunities across the nation for U.S. Hispanics and other minority groups; and

WHEREAS, These cases were filed by Mexican Americans in California, with representatives from the NAACP, American Jewish Congress, Japanese-American Citizens League, ACLU, and the National Lawyers League; and

WHEREAS, Both of these cases laid the groundwork for the Brown decision in 1954; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we acknowledge the efforts of the Mexican American community in the United States to combat public school segregation through the judicial system and lead the fight for equality and justice in the educational opportunities that this country offers; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ms. Sylvia Mendez, a daughter of Gonzalo and Felicitas Mendez, as an expression of our utmost esteem for her tireless efforts against school segregation.

#### **RESOLUTIONS CONSENT CALENDAR**

##### **SENATE RESOLUTION 732**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Lena A. Mason of Springfield.

##### **SENATE RESOLUTION 733**

Offered by Senator Hunter and all Senators:  
Mourns the death of Lawrence Larry Allen of Chicago.

##### **SENATE RESOLUTION 736**

Offered by Senator Harmon and all Senators:  
Mourns the death of Patrick J. Roche of Chicago.

##### **SENATE RESOLUTION 737**

Offered by Senator J. Sullivan and all Senators:  
Mourns the death of Corporal Joshua Douglas Palmer of Blandinsville.

##### **SENATE RESOLUTION 738**

Offered by Senator Link and all Senators:  
Mourns the death of Dominic Ronzani of Highwood.

##### **SENATE RESOLUTION 739**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Assistant Fire Chief Billy Ray Riley of East St. Louis.

##### **SENATE RESOLUTION 740**

Offered by Senator Hunter and all Senators:  
Mourns the death of Helen Estelle (Lyman) Bradshaw-Hasan of Chicago.

##### **SENATE RESOLUTION 741**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Mary Jane Hobson Wessell of Des Plaines.

**SENATE RESOLUTION 742**

Offered by Senators Watson – E. Jones - Bomke and all Senators:  
Mourns the death of Michael “Mike” Baer of Springfield.

**SENATE RESOLUTION 743**

Offered by Senator Petka and all Senators:  
Mourns the death of James Kesman of Plainfield.

**SENATE RESOLUTION 744**

Offered by Senator Forby and all Senators:  
Mourns the death of United States Marine Lance Corporal Aaron C. Pickering of Harrisburg.

**SENATE RESOLUTION 745**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of 2<sup>nd</sup> Lieutenant Brett J. Harman, U.S.M.C., of Park Ridge.

**SENATE RESOLUTION 746**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Kevin McCann of Park Ridge.

**SENATE RESOLUTION 748**

Offered by Senator Demuzio-E. Jones and all Senators:  
Mourns the death of Donna Kay Zippay of Mt. Olive

Senator Halvorson moved the adoption of the foregoing resolutions.  
The motion prevailed.  
And the resolutions were adopted.

**MESSAGE FROM THE HOUSE**

A message from the House by  
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 101**

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN**, that when the House of Representatives adjourns on Thursday, November 18, 2004, it stands adjourned until Monday, January 10, 2005 at 2:00 o'clock p.m.; and when the Senate adjourns on Thursday, November 18, 2004, it stands adjourned until Monday, January 10, 2005 at 12:00 o'clock noon.

Adopted by the House, November 18, 2004.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Welch, the foregoing message reporting House Joint Resolution No. 101, was taken up for immediate consideration.

Senator Welch moved that the Senate concur with the House in the adoption of the resolution.  
The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.  
Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:05 o'clock p.m., pursuant to **House Joint Resolution No. 101**, the Chair announced the Senate stand adjourned until Monday, January 10, 2005, at 12:00 o'clock noon.

[November 18, 2004]