



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**104TH LEGISLATIVE DAY**

**Perfunctory Session**

**TUESDAY, APRIL 25, 2006**

**3:02 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**104th Legislative Day**

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The Senate met pursuant to adjournment.  
Pursuant to the Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.  
Silent prayer was observed.

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Statement of Receipts and Expenditures for July 1, 2004 through June 30, 2005, submitted by the Northeastern Illinois Planning Commission.

Food Expenditure Report for the Special Supplemental Nutrition Program for WIC, submitted by the Department of Human Services.

Illinois Child Care Report for FY 2005, submitted by the Department of Human Services.

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

**JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1827

**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 passage of a bill of the following title, to-wit:

SENATE BILL NO. 94

A bill for AN ACT concerning local government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 94

Passed the House, as amended, April 25, 2006.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 94**

AMENDMENT NO. 1. Amend Senate Bill 94 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-12012.1 as follows:  
(55 ILCS 5/5-12012.1 new)

Sec. 5-12012.1. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the county board of any county, home rule or non-home rule, shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

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Section 10. The Township Code is amended by adding Section 110-50.1 as follows:

(60 ILCS 1/110-50.1 new)

Sec. 110-50.1. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the township board of any township shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

Section 15. The Illinois Municipal Code is amended by adding Section 11-13-25 as follows:

(65 ILCS 5/11-13-25 new)

Sec. 11-13-25. Actions subject to de novo review; due process.

(a) Any special use, variance, rezoning, or other amendment to a zoning ordinance adopted by the corporate authorities of any municipality, home rule or non-home rule, shall be subject to de novo judicial review as a legislative decision, regardless of whether the process of its adoption is considered administrative for other purposes. Any action seeking the judicial review of such a decision shall be commenced not later than 90 days after the date of the decision.

(b) The principles of substantive and procedural due process apply at all stages of the decision-making and review of all zoning decisions.

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

Under the rules, the foregoing **Senate Bill No. 94**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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**

WHEREAS, Attacks by vicious and dangerous dogs are a threat to the public health and safety of Illinois residents; and

WHEREAS, Attacks against vulnerable residents are being reported to law enforcement officials and animal control officers; and

WHEREAS, Enforcement challenges have risen with respect to addressing issues relating to vicious and dangerous dogs; and

WHEREAS, It is imperative that the General Assembly take comprehensive action to ensure the safety of the residents of this State; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created a Vicious and Dangerous Dog Task Force to hold hearings to explore and make recommendations designed to address protecting the public health and safety stemming from vicious and dangerous dog attacks; and be it further

RESOLVED, That the task force shall consist of 17 members and two ex parte members as follows: one member appointed by the Speaker of the House, one member appointed by the House Minority Leader, one member appointed by the President of the Senate, and one member appointed by the Senate Minority Leader; one member shall be a representative of the Illinois State Veterinary Medical Association; one member shall be a representative from the Northern Illinois Public Health Consortium;

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one member shall be a representative of the Chicago Veterinary Medical Association; one member shall be the Cook County Animal Control Administrator or his or her designee; one member shall be a representative of the County Animal Controls of Illinois; one member shall be a representative of the Illinois Farm Bureau; one member shall be a representative from a private not for profit humane society in a county with a population under 130,000 appointed by the Illinois Animal Welfare Federation; one member shall be the Cook County State's Attorney, or his or her designee; one member shall be the McHenry County State's Attorney, or his or her designee; one member shall be a representative of the Illinois State's Attorney Association; one member shall be a representative of the ASPCA; one member shall be appointed by the American Kennel Club; one member shall be an animal behaviorist appointed by the University of Illinois School of Veterinary Medicine; one ex parte representative appointed by the Department of Agriculture; and one ex parte representative appointed by the Department of Public Health; and be it further

RESOLVED, That the task force shall hold at least four hearings, which shall be held in geographically separate regions of the State, and shall report to the General Assembly no later than December 31, 2006; the Task Force members shall receive no compensation; the Task Force shall be dissolved upon reporting its finding and recommendations to the General Assembly.

Adopted by the House, April 18, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 101 was referred to the Committee on Rules.

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. 110**

WHEREAS, Illinois State women have proudly served in defense of our Nation since the Civil War, despite their lack of military standing before the 1900s; and

WHEREAS, They served in all major conflicts in ever-increasing numbers, volunteering to preserve our freedom; and

WHEREAS, They served in expanding positions of responsibility from laundresses and cooks to administrators, from medical and technical personnel to full combatants; and

WHEREAS, Illinois State women contributed to establishing and maintaining our independence, preserving the Union, abolishing slavery, and advancing the cause of freedom and democracy around the world; and

WHEREAS, In times of conflict, State of Illinois women served the military as society permitted or as the situation demanded; and

WHEREAS, Women came forward to replace men as battlefield emergencies demanded and some even disguised their gender in order to serve; others masked their identity, risking their lives as couriers and intelligence agents; and

WHEREAS, The value of their contributions has finally been recognized by their ever-increasing integration and opportunities in the Armed Forces; and

WHEREAS, Women now make up over 15% of the active duty force and about 23% of the reserve force, totaling over 203,000 women soldiers; and

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WHEREAS, Today women make up 7% of the United States Veterans population; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the General Assembly authorize the construction of a memorial honoring women in military service on a portion of the State-owned property in Oak Ridge Cemetery in Springfield, Illinois.

Adopted by the House, April 18, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 110 was referred to the Committee on Rules.

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION 717**

Offered by Senator Harmon and all Senators:  
Mourns the death of Robert John Biancalana of Elmwood Park.

**SENATE RESOLUTION 718**

Offered by Senator Haine and all Senators:  
Mourns the death of Dr. Melvin E. "Doc" Schulmeister of Alton.

**SENATE RESOLUTION 719**

Offered by Senator Haine and all Senators:  
Mourns the death of Paul M. Clark of Alton.

**SENATE RESOLUTION 720**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Dr. Delancey Howard Moore of East St. Louis.

**SENATE RESOLUTION 721**

Offered by Senator Link and all Senators:  
Mourns the death of Loretta Bridges of North Chicago.

**SENATE RESOLUTION 722**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Helen Ann Pierce of Dunlap.

**SENATE RESOLUTION 723**

Offered by Senator Haine and all Senators:  
Mourns the death of Robert R. "Bob" Gearing of Alton.

**SENATE RESOLUTION 724**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Shirley J. Szabo of Munster, Indiana.

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

Senators Radogno – Axley – Syverson - J. Jones - Luechtefeld, Lauzen, Dahl, Rutherford and Righter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

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**SENATE JOINT RESOLUTION NO. 90**

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That the report of the Compensation Review Board filed in the year 2006 as provided in the Compensation Review Act is hereby disapproved in whole in accordance with Section 5 of that Act; and be it further

RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

**MESSAGES FROM THE GOVERNOR**

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

March 16, 2006

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-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

**HEALTH, ILLINOIS STATE BOARD OF**

To be a Member of the Illinois State Board of Health for a term commencing March 10, 2006 and ending November 1, 2008:

Caswell A. Evans of Chicago  
Non-salaried

To be a Member of the Illinois State Board of Health for a term commencing March 10, 2006 and ending November 1, 2008:

David B. McCurdy of Elmhurst  
Non-salaried

**WORKFORCE INVESTMENT BOARD, ILLINOIS**

To be a Member of the Illinois Workforce Investment Board for a term commencing March 10, 2006 and ending July 1, 2006:

Blanche Shoup of Galesburg  
Non-salaried

Rod Blagojevich  
GOVERNOR

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

April 10, 2006

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-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF LAKE COUNTY**

To be Public Administrator and Public Guardian of Lake County for a term commencing April 10, 2006 and ending December 3, 2009:

Keith Louis West of Grayslake  
Non-salaried

Rod Blagojevich  
GOVERNOR

Under the rules, the foregoing Messages were referred to the Committee on Executive Appointments.

At the hour of 3:04 o'clock p.m., by direction of the President, the Secretary announced the Senate stand adjourned until Thursday, April 27, 2006, in perfunctory session.

[April 25, 2006]