



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

17TH LEGISLATIVE DAY

TUESDAY, MARCH 13, 2007

12:59 O'CLOCK P.M.

SENATE
Daily Journal Index
17th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Rickey R. Hendon, Chicago, Illinois, presiding.
 Prayer by Nancy Flood, Baha'i Faith, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 8, 2007, was being read when on motion of Senator Hunter, 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:

DCEO Report Pursuant to Public Act 87-552 (Flex time), submitted by the Department of Commerce and Economic Opportunity.

Illinois Criminal Justice Information Authority 's Report Pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Criminal Justice Information Authority.

CMS Report Pursuant to Public Act 87-552 (Flex time), submitted by the Department of Central Management Services.

Recommendations from the Meat and Poultry Task Force (HJR0115), submitted by the Department of Agriculture.

2006 Annual Report of JCAR, submitted by the Joint Committee on Administrative Rules.

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

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 8
 Senate Committee Amendment No. 2 to Senate Bill 66
 Senate Committee Amendment No. 2 to Senate Bill 68
 Senate Committee Amendment No. 1 to Senate Bill 69
 Senate Committee Amendment No. 1 to Senate Bill 115
 Senate Committee Amendment No. 1 to Senate Bill 118
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Senate Committee Amendment No. 1 to Senate Bill 1509
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 Senate Committee Amendment No. 1 to Senate Bill 1583
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 Senate Committee Amendment No. 1 to Senate Bill 1664
 Senate Committee Amendment No. 1 to Senate Bill 1675
 Senate Committee Amendment No. 1 to Senate Bill 1733
 Senate Committee Amendment No. 1 to Senate Bill 1751

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

Senate Floor Amendment No. 1 to Senate Bill 311
 Senate Floor Amendment No. 2 to Senate Bill 439
 Senate Floor Amendment No. 1 to Senate Bill 521
 Senate Floor Amendment No. 2 to Senate Bill 1267
 Senate Floor Amendment No. 1 to Senate Bill 1360
 Senate Floor Amendment No. 1 to Senate Bill 1433
 Senate Floor Amendment No. 1 to Senate Bill 1464
 Senate Floor Amendment No. 1 to Senate Bill 1559
 Senate Floor Amendment No. 1 to Senate Bill 1592
 Senate Floor Amendment No. 1 to Senate Bill 1618

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 91

Offered by Senator Collins and all Senators:
 Mourns the death of Michael Pettigrew of Chicago.

SENATE RESOLUTION 92

Offered by Senator Link and all Senators:
 Mourns the death of Glenn A. Yahnke of North Chicago.

SENATE RESOLUTION 93

Offered by Senator Link and all Senators:
 Mourns the death of Bruce Anthony Swopes of Rockford (formerly of North Chicago).

SENATE RESOLUTION 94

Offered by Senator Link and all Senators:
 Mourns the death of David Michael "Mike" Schrank, Sr., of Waukegan.

SENATE RESOLUTION 95

Offered by Senator Link and all Senators:
 Mourns the death of Donald A. Drasler of Gurnee.

SENATE RESOLUTION 96

Offered by Senator Link and all Senators:
 Mourns the death of Anthony James "Jamie" Landree of Waukegan.

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

MESSAGES FROM THE HOUSE

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

[March 13, 2007]

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 am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 202
A bill for AN ACT concerning State government.
HOUSE BILL NO. 916
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 924
A bill for AN ACT concerning finance.
HOUSE BILL NO. 936
A bill for AN ACT concerning finance.
HOUSE BILL NO. 938
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 976
A bill for AN ACT concerning local government.
HOUSE BILL NO. 977
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1024
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1292
A bill for AN ACT concerning regulation.
Passed the House, March 8, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 202, 916, 924, 936, 938, 976, 977, 1024 and 1292** were taken up, ordered printed and placed on first reading.

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 am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 470
A bill for AN ACT concerning education.
HOUSE BILL NO. 508
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 517
A bill for AN ACT concerning long-term care.
HOUSE BILL NO. 565
A bill for AN ACT concerning public health.
HOUSE BILL NO. 573
A bill for AN ACT concerning State government.
HOUSE BILL NO. 624
A bill for AN ACT concerning intoxicants.
HOUSE BILL NO. 633
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 634
A bill for AN ACT concerning procurement.
HOUSE BILL NO. 640
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 668
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 670
A bill for AN ACT concerning State government.
Passed the House, March 8, 2007.

MARK MAHONEY, Clerk of the House

[March 13, 2007]

The foregoing **House Bills Numbered 470, 508, 517, 565, 573, 624, 633, 634, 640, 668 and 670** were taken up, ordered printed and placed on first reading.

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 am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 719
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 720
A bill for AN ACT concerning education.
HOUSE BILL NO. 721
A bill for AN ACT concerning education.
HOUSE BILL NO. 722
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 775
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 808
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 810
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 816
A bill for AN ACT concerning education.
HOUSE BILL NO. 817
A bill for AN ACT concerning education.
HOUSE BILL NO. 898
A bill for AN ACT concerning local government.
HOUSE BILL NO. 900
A bill for AN ACT in relation to criminal law.
Passed the House, March 8, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 719, 720, 721, 722, 775, 808, 810, 816, 817, 898 and 900** were taken up, ordered printed and placed on first reading.

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. 36

Concurred in by the House, March 8, 2007.

MARK MAHONEY, Clerk of the House

INTRODUCTION OF BILL

SENATE BILL NO. 1836. Introduced by Senators Righter - Watson, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

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READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 133, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 140, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 162, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 181, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 239, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 281, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 304, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 364, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 573, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 358, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 508, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 633, sponsored by Senators Hendon - Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 709, sponsored by Senator J. Jones, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 720, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 721, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 722, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 775, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 816, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 817, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 898, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 916, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 936, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Demuzio, **Senate Bill No. 7**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 15**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 17**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 79** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 79

AMENDMENT NO. 1. Amend Senate Bill 79 page 6, line 15, by deleting "and shall specifically address"; and

on page 7, by replacing lines 8 through 12 with the following: "This amendatory".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 82** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 82

AMENDMENT NO. 1. Amend Senate Bill 82 on page 4, below line 1, by inserting the following:

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 149**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 165**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 208** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Commerce and Economic Development.

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The following amendment was offered in the Committee on Commerce and Economic Development, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 208

AMENDMENT NO. 2. Amend Senate Bill 208 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-980 as follows:

(20 ILCS 605/605-980 new)

Sec. 605-980. Green cities grant program. Subject to appropriation, the Department shall establish and administer a program to make grants to municipalities whose buildings conform with nationally recognized and accepted green building guidelines, standards, or systems. Grants may be used for new construction, existing buildings, commercial interiors, core and shell development, homes, schools, or neighborhood development.

Municipalities receiving grant moneys under this Section are encouraged to use local small businesses within the municipality whenever possible."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 198** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 198

AMENDMENT NO. 1. Amend Senate Bill 198 in Section 5, Sec. 14-13.01, by replacing subsec. (a) with the following:

"(a) For staff working on behalf of children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than \$1,000 annually per child or \$8,000 per teacher for the 1985-1986 school year through the 2005-2006 school year, \$3,300 per child or \$9,000 per teacher for the 2006-2007 school year, \$3,800 per child or \$10,000 per teacher for the 2007-2008 school year, \$4,300 per child or \$11,000 per teacher for the 2008-2009 school year, \$4,800 per child or \$12,000 per teacher for the 2009-2010 school year, \$5,300 per child or \$13,000 per teacher for the 2010-2011 school year, \$5,800 per child or \$14,000 per teacher for the 2011-2012 school year, and for each school year thereafter, the amount from the previous school year increased by a percentage increase equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all line items published by the United States Department of Labor for the 12 months ending on the previous December 31 and thereafter, whichever is less. Children to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 214**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 244** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 244

AMENDMENT NO. 1. Amend Senate Bill 244 on page 11, after line 19, by inserting the following:

"(a-5) For facilities licensed under the Nursing Home Care Act, no permit shall be denied on the basis of prior operator history, other than for actions specified under item (2), (4), or (5) of Section 3-117 of the Nursing Home Care Act."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Luechtefeld, **Senate Bill No. 253**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 266** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 266

AMENDMENT NO. 1. Amend Senate Bill 266 on page 2, line 3, after "Services", by inserting "and if the child's program costs exceed 4 times the school district's per capita tuition rate as calculated under Section 10-20.12a of this Code".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 303** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 303

AMENDMENT NO. 1. Amend Senate Bill 303 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Plastic Bag Recycling Act.

Section 5. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Consumer" means any person who makes a purchase at retail for any purpose other than resale.

"Distributing plastic bags to consumers" means the act of a retailer giving to a consumer a plastic bag to store or transport goods purchased at retail.

"Plastic bag" means any plastic, latex, or polypropylene bag.

"Purchase at retail" means the acquisition of the ownership of or title to tangible personal property through a sale at retail.

"Retailer" means a person engaged in the business of making sales at retail that owns or controls more than 10,000 square feet of retail space in Lake County.

Section 10. Recycling pilot program in Lake County.

(a) Within 90 days after the first meeting of the Plastic Bag Recycling Task Force, the Task Force shall promulgate procedures and guidelines implementing a voluntary plastic bag recycling pilot program for retailers in Lake County. The Agency shall administer the pilot program under the procedures and guidelines adopted by the Task Force.

Beginning August 1, 2007, retailers, as defined by Section 5 of this Act, that are participating in the pilot program and distributing plastic bags to consumers free of charge as part of a purchase at retail

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may:

- (1) implement a plastic bag collection program that facilitates the return and recycling of plastic bags distributed to consumers by that retailer;
 - (2) provide a clearly marked receptacle for the collection of plastic bags that is in a convenient location for that retailer's consumers; and
 - (3) arrange for the pick-up, transport, and recycling of plastic bags deposited in the collection receptacles by consumers.
- (b) In meeting the pilot program guidelines, retailers may work individually or as part of a group.
- (c) The provisions of this Section are subject to appropriation.

Section 15. Task Force.

(a) The Plastic Bag Recycling Task Force is created. The Task Force shall consist of one legislator appointed by each of the following: the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives; 3 representatives of a statewide association exclusively representing retailers; and one representative from each of the following:

- (1) a plastic film recycler;
- (2) an entity operating as a recycling operator of Material Recovery Facilities receiving material from Lake County; the entity shall be agreed upon by a representative of the statewide association exclusively representing retailers and a representative of the Solid Waste Agency of Lake County;
- (3) a national waste hauler operating in Lake County appointed by a national group representing solid waste management entities;
- (4) the Solid Waste Agency of Lake County;
- (5) the Illinois Environmental Protection Agency; and
- (6) the Lake County Board.

Within 90 days after the effective date of this Act the Plastic Bag Recycling Task Force shall be formed. The Task Force shall meet at least twice a year. The Agency shall chair the meetings and facilitate the Task Force.

(b) On or before March 1, 2011, the Task Force, in collaboration with the Agency, shall compile and submit a report to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, discussing, but not limited to, the following topics:

- (1) enrollment in the pilot program;
- (2) benefits and costs to the environment, retailers, residents of Lake County;
- (3) cost-benefit analysis of the pilot program;
- (4) any burden suffered as a result of the pilot program; and
- (5) any unforeseen transportation issues, liability, or costs for participants in the pilot program.

Section 90. Repealer. This Act is repealed June 1, 2011."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 307**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 313** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 313

AMENDMENT NO. 1. Amend Senate Bill 313 on page 3, line 18, after "her", by inserting "major".

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There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hultgren, **Senate Bill No. 365**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 380**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 388**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 396** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 396

AMENDMENT NO. 1. Amend Senate Bill 396 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-6.10 as follows:

"(105 ILCS 5/14-6.10 new)

Sec. 14-6.10. Transfer of parental rights at the age of majority.

(a) When a student who is eligible for special education under this Article reaches the majority age of 18 years, all rights accorded to the student's parents under this Article transfer to the student, except as provided in this Section. This transfer of rights also applies to student's who are incarcerated in an adult or juvenile State or local correctional institution. Nothing in this Section shall be construed to deny a student with a disability who has reached majority age the right to have an adult of his or her choice, including, but not limited to, the student's parent, assist the student in making decisions regarding the student's individualized education program.

(b) The school district must notify the student and the student's parents of the transfer of rights in writing at a meeting convened to review the student's individualized education program during the school year in which the student turns 17 years of age. The school district must also explain to the student and the student's parents the significance of the transfer of parental rights at the majority age of 18. At that time, the school district must provide the student with a copy of the Delegation of Rights form described in this Section.

(c) Rights shall not transfer from the parents to the student under this Section if either of the following apply:

(1) The student with a disability who has reached the age of majority has been adjudged incompetent under State law.

(2) The student has not been adjudged incompetent under State law, but the student has executed a Delegation of Rights to make educational decisions pursuant to this Section for the purpose of appointing the student's parent or other adult to represent the educational interests of the student.

A student may terminate the Delegation of Rights at any time and assume the right to make decisions regarding his or her education. The Delegation of Rights shall meet all of the following requirements:

(A) It shall remain in effect for one year after the date of execution, but may be renewed annually with the written or other formal authorization of the student and the person the student delegates to represent the educational interests of the student.

(B) It shall be signed by the student or verified by other means, such as audio or video or other alternative format compatible with the student's disability showing that the student has agreed to the terms of the delegation.

(C) It shall be signed or otherwise manifest verification that the designee accepts the delegation.

(D) It shall include declarations that the student (i) is 18 years of age or older, (ii) intends to delegate his or her educational rights under federal and State law to a specified individual who is at least 18 years of age, (iii) has not been adjudged incompetent under State law, (iv) is entitled to be present during the development of the student's individualized education program and to raise issues or concerns about the student's individualized education program, and (v) will be permitted to terminate the Designation of Rights at any time.

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(E) It shall be identical or substantially the same as the following form:

DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

I, (insert name), am 18 years of age or older and a student who has the right to make educational decisions for myself under State and federal law. I have not been adjudged incompetent and, as of the date of the execution of this document, I hereby delegate my right to give consent and make decisions concerning my education to (insert name), who will be considered my "parent" for purposes of the Individuals with Disabilities Education Improvement Act of 2004 and Article 14 of the School Code and will exercise all of the rights and responsibilities concerning my education that are conferred on a parent under those laws. I understand and give my consent for (insert name) to make all decisions relating to my education on my behalf. I understand that I have the right to be present at meetings held to develop my individualized education program and that I have the right to raise any issues or concerns I may have and that the school district must consider them.

This delegation will be in effect for one year from the date of execution below and may be renewed by my written or other formal authorization. I also understand that I have the right to terminate this Delegation of Rights at any time and assume the right to make my own decisions regarding my education.

(insert name)
Student

DATE: (insert date)

Accepted by: (insert name)
Designated Representative".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 423**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 433**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 437**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 445**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 499**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **Senate Bill No. 545** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 545

AMENDMENT NO. 1. Amend Senate Bill 545 as follows:

on page 1, line 13, by replacing "2006" with "2007"; and

on page 1, line 18, by replacing "other" with "sexual"; and

on page 1, line 21, by deleting "racial and ethnic"; and

on page 2, line 15, by replacing "shall" with "may"; and

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on page 2, line 19, by replacing "non-for-profit" with "not-for-profit"; and

on page 2, line 22, by replacing "and reduction" with "and the reduction".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Delgado, **Senate Bill No. 547** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 547

AMENDMENT NO. 1. Amend Senate Bill 547 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-367 as follows:

(20 ILCS 2310/2310-367 new)

Sec. 2310-367. Health Data Task Force.

(a) Subject to an appropriation or the availability of other funds identified for this purpose, the Health Data Task Force is created. In accordance with the recommendations of the 2007 Illinois State Health Improvement Plan, the Health Data Task Force shall develop a plan to create a linked health data system that measures, analyzes, and reports on the health status of Illinois residents, including those impacted by health disparities. The plan shall include, but not be limited to all of the following:

(1) Approaches to assuring adequate data on race, ethnicity, geographic location, gender, age, sexual orientation, and other populations affected by health disparities.

(2) Identification of and proposals for addressing privacy and other legal issues.

(3) Identification of and approaches to solving compatibility issues, including software, hardware, platform, and other information systems issues.

(4) Identification of needs and approaches to standardizing definitions of indicators across systems to assure comparability.

(5) Approaches that assure the highest quality data collection.

(6) Development of methods to increase the timeliness and availability of health data.

(7) Integration of methods to increase the timeliness and availability of health data.

(8) Methods for effective dissemination and use of the health data to non-governmental organizations for program development and policy planning.

(b) The Health Data Task Force shall be composed of the following members: the Director of Public Health or his or her designee; the Director of Children and Family Services or his or her designee; the Director of Central Management Services or his or her designee; the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; and a maximum of 20 public members appointed by the Governor including, but not be limited to, representatives of health care provider organizations, local health departments, minority health organizations, and other users and providers of public health data.

(c) The Task Force members shall serve without compensation, but public members shall be reimbursed for their reasonable travel expenses incurred in performing their duties in connection with the Task Force.

(d) The Department of Public Health shall be the primary agency in providing staff and administrative support to the Task Force. The other State agencies represented on the Task Force shall work cooperatively with the Department of Public Health to provide administrative support to the Task Force.

(e) Within 90 days after the effective date of this amendatory Act of the 95th General Assembly, the Department of Public Health may contract with an independent vendor that has expertise in public health data management, analysis, and information systems. In addition, the Department may contract with a vendor to provide the task force with logistical and process support in the development of the plan to create a linked health data system.

(f) The Task Force shall submit its plan to the Governor and to the General Assembly no later than December 31, 2008.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Hultgren, **Senate Bill No. 561**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 573** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 573

AMENDMENT NO. 1. Amend Senate Bill 573 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Landscape Architecture Act of 1989 is amended by changing Section 4 as follows:

(225 ILCS 315/4) (from Ch. 111, par. 8104)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. After ~~the~~ the effective date of this Act, no person may represent himself to be a landscape architect or use the title "landscape architect", "registered landscape architect", or any other title which includes the words "landscape architect", unless registered under this Act. (Source: P.A. 86-932.)"

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 574**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 640**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 641** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 641

AMENDMENT NO. 1. Amend Senate Bill 641 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-8.1 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations.

(1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. For the purposes of this Section, a separate eye examination is included as a part of the health examination required within one year prior to entering kindergarten or

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the first grade, whichever grade the child first enters, of any public, private, or parochial elementary school. Additional health examinations of pupils, including eye ~~vision~~ examinations in other grades, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo eye ~~vision~~ examinations in other grades at the same points in time required for health examinations.

(1.5) In compliance with rules adopted by the Department of Public Health and except as otherwise provided in this Section, all children in kindergarten and the second and sixth grades of any public, private, or parochial school shall have a dental examination. Each of these children shall present proof of having been examined by a dentist in accordance with this Section and rules adopted under this Section before May 15th of the school year. If a child in the second or sixth grade fails to present proof by May 15th, the school may hold the child's report card until one of the following occurs: (i) the child presents proof of a completed dental examination or (ii) the child presents proof that a dental examination will take place within 60 days after May 15th. The Department of Public Health shall establish, by rule, a waiver for children who show an undue burden or a lack of access to a dentist. Each public, private, and parochial school must give notice of this dental examination requirement to the parents and guardians of students at least 60 days before May 15th of each school year.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination, which shall include the collection of data relating to obesity; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), and a dental examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all eye examinations ~~vision exams~~ required by this Section or by school authorities in accordance with the minimum standards set forth in rules adopted under the Illinois Optometric Practice Act of 1987 as they pertain to children and shall sign all report forms required by subsection (4) of this Section that pertain to the eye examination ~~vision exam~~. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified. In these rules and regulations, the Department of Public Health shall require that individuals conducting vision screening tests give a child's parent or guardian written notification, before the vision screening is conducted, that states, "Vision screening is not a substitute for a complete eye and vision evaluation by an eye doctor. Your child is not required to undergo this vision screening if an optometrist or ophthalmologist has completed and signed a report form indicating that an examination has been administered within the previous 12 months."

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination or dental examination shall record the fact of having conducted the examination, and such additional information as required, including for a health examination data relating to obesity ; (including at a minimum, date of birth, gender, height, weight, blood pressure, and date of exam), on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services, including for a health

examination factors relating to obesity. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10. This subsection (5) does not apply to dental examinations.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination (other than a dental examination) as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). Every school shall report to the State Board of Education by June 30, in the manner that the State Board requires, the number of children who have received the required dental examination, indicating, of those who have not received the required dental examination, the number of children who are exempt from the dental examination on religious grounds as provided in subsection (8) of this Section and the number of children who have received a waiver under subsection (1.5) of this Section. This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8.05 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health or dental examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health or dental examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning. (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04; 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05; revised 12-1-05.)

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:

(30 ILCS 805/8.31 new)

Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect January 1, 2008."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 644**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 725**, having been printed, was taken up, read by title a second time and ordered to a third reading.

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its March 13, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Committee Amendment No. 1 to Senate Bill 570.**

Environment and Energy: **Senate Committee Amendment No. 1 to Senate Bill 135; Senate Committee Amendment No. 1 to Senate Bill 268; Senate Committee Amendment No. 2 to Senate Bill 357; Senate Committee Amendment No. 1 to Senate Bill 663; Senate Committee Amendment No. 1 to Senate Bill 1400; Senate Committee Amendment No. 1 to Senate Bill 1583; Senate Floor Amendment No. 1 to Senate Bill 1592.**

Housing and Community Affairs: **Senate Committee Amendment No. 1 to Senate Bill 258; Senate Committee Amendment No. 1 to Senate Bill 1495; Senate Committee Amendment No. 2 to Senate Bill 1495.**

Human Services: **Senate Committee Amendment No. 1 to Senate Bill 147; Senate Committee Amendment No. 1 to Senate Bill 322; Senate Committee Amendment No. 1 to Senate Bill 340; Senate Committee Amendment No. 1 to Senate Bill 381; Senate Committee Amendment No. 1 to Senate Bill 511; Senate Committee Amendment No. 1 to Senate Bill 591; Senate Committee Amendment No. 1 to Senate Bill 731; Senate Committee Amendment No. 1 to Senate Bill 1245; Senate Committee Amendment No. 1 to Senate Bill 1581; Senate Committee Amendment No. 1 to Senate Bill 1664.**

Judiciary Civil Law: **Senate Committee Amendment No. 2 to Senate Bill 68; Senate Committee Amendment No. 1 to Senate Bill 146; Senate Committee Amendment No. 1 to Senate Bill 319; Senate Committee Amendment No. 4 to Senate Bill 330; Senate Committee Amendment No. 1 to Senate Bill 389; Senate Committee Amendment No. 1 to Senate Bill 404; Senate Committee Amendment No. 1 to Senate Bill 1162; Senate Committee Amendment No. 1 to Senate Bill 1230; Senate Committee Amendment No. 1 to Senate Bill 1306; Senate Committee Amendment No. 1 to Senate Bill 1733.**

Judiciary Criminal Law: **Senate Committee Amendment No. 1 to Senate Bill 30; Senate Committee Amendment No. 1 to Senate Bill 62; Senate Committee Amendment No. 1 to Senate Bill 69; Senate Committee Amendment No. 2 to Senate Bill 100; Senate Committee Amendment No. 1 to Senate Bill 115; Senate Committee Amendment No. 3 to Senate Bill 265; Senate Committee Amendment No. 1 to Senate Bill 288; Senate Committee Amendment No. 2 to Senate Bill 328; Senate Committee Amendment No. 1 to Senate Bill 386; Senate Committee Amendment No. 1 to Senate Bill 450; Senate Committee Amendment No. 1 to Senate Bill 532; Senate Committee Amendment No. 1 to Senate Bill 1346; Senate Committee Amendment No. 1 to Senate Bill 1397; Senate Committee Amendment No. 1 to Senate Bill 1418; Senate Committee Amendment No. 1 to Senate Bill 1509; Senate Committee Amendment No. 2 to Senate Bill 1686; Senate Committee Amendment No. 1 to Senate Bill 1724.**

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Local Government: Senate Committee Amendment No. 2 to Senate Bill 290; Senate Committee Amendment No. 1 to Senate Bill 417; Senate Committee Amendment No. 1 to Senate Bill 684; Senate Committee Amendment No. 1 to Senate Bill 689; Senate Committee Amendment No. 1 to Senate Bill 1250; Senate Committee Amendment No. 1 to Senate Bill 1656.

Pensions and Investments: Senate Committee Amendment No. 4 to Senate Bill 610; Senate Committee Amendment No. 1 to Senate Bill 647; Senate Committee Amendment No. 1 to Senate Bill 719; Senate Committee Amendment No. 1 to Senate Bill 1158; Senate Committee Amendment No. 1 to Senate Bill 1166; Senate Committee Amendment No. 2 to Senate Bill 1481; Senate Committee Amendment No. 1 to Senate Bill 1587.

Public Health: Senate Committee Amendment No. 1 to Senate Bill 654; Senate Committee Amendment No. 1 to Senate Bill 656; Senate Committee Amendment No. 1 to Senate Bill 1237; Senate Committee Amendment No. 1 to Senate Bill 1324; Senate Committee Amendment No. 1 to Senate Bill 1349; Senate Committee Amendment No. 1 to Senate Bill 1350; Senate Committee Amendment No. 1 to Senate Bill 1471.

Transportation: Senate Committee Amendment No. 1 to Senate Bill 118; Senate Committee Amendment No. 2 to Senate Bill 118; Senate Committee Amendment No. 1 to Senate Bill 308; Senate Committee Amendment No. 1 to Senate Bill 391; Senate Committee Amendment No. 1 to Senate Bill 435; Senate Committee Amendment No. 2 to Senate Bill 435; Senate Committee Amendment No. 1 to Senate Bill 438; Senate Committee Amendment No. 1 to Senate Bill 489; Senate Committee Amendment No. 1 to Senate Bill 577; Senate Committee Amendment No. 1 to Senate Bill 1291; Senate Committee Amendment No. 2 to Senate Bill 1291; Senate Committee Amendment No. 1 to Senate Bill 1527; Senate Committee Amendment No. 1 to Senate Bill 1738.

The Chair announced that committees would meet thirty minutes after their originally posted times.

At the hour of 1:37 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, March 14, 2007, at 12:00 o'clock noon.