



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**47TH LEGISLATIVE DAY**

**MONDAY, MAY 28, 2007**

**5:15 O'CLOCK P.M.**

NO. 47

[May 28, 2007]

**SENATE**  
**Daily Journal Index**  
**47th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Terry Link, Waukegan, Illinois, presiding.  
 Prayer by Rabbi Barry Marks, Temple Israel, Springfield, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Friday, May 25, 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.

### LEGISLATIVE MEASURES FILED

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. 3 to Senate Bill 11  
 Senate Floor Amendment No. 1 to Senate Bill 889  
 Senate Floor Amendment No. 6 to Senate Bill 890  
 Senate Floor Amendment No. 1 to Senate Bill 891  
 Senate Floor Amendment No. 1 to Senate Bill 892  
 Senate Floor Amendment No. 5 to Senate Bill 1429  
 Senate Floor Amendment No. 2 to Senate Bill 1591

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to House Bill 458

### 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 bills of the following titles, to-wit:

SENATE BILL NO. 201  
 A bill for AN ACT concerning wildlife.

SENATE BILL NO. 216  
 A bill for AN ACT concerning wildlife.

SENATE BILL NO. 220  
 A bill for AN ACT concerning school costs.

SENATE BILL NO. 223  
 A bill for AN ACT to revise the law by combining multiple enactments and making technical corrections.

SENATE BILL NO. 233  
 A bill for AN ACT concerning regulation.

SENATE BILL NO. 280  
 A bill for AN ACT concerning regulation.

SENATE BILL NO. 285  
 A bill for AN ACT concerning local government.  
 Passed the House, May 23, 2007.

MARK MAHONEY, Clerk of the House

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

[May 28, 2007]

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. 174

A bill for AN ACT concerning criminal law.

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. 174

Passed the House, as amended, May 24, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 174**

AMENDMENT NO. 1. Amend Senate Bill 174 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 12-9 as follows:

(720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

Sec. 12-9. Threatening public officials.

(a) A person commits the offense of threatening a public official when:

(1) that person knowingly and willfully delivers or conveys, directly or indirectly, to a public official by any means a communication:

(i) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(ii) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty, because of hostility of the person making the threat toward the status or position of the public official, or because of any other factor related to the official's public existence.

(a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney and a sworn law enforcement or peace officer.

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16, eff. 6-28-01)."

Under the rules, the foregoing **Senate Bill No. 174**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 226

A bill for AN ACT concerning criminal law.

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. 226

Passed the House, as amended, May 24, 2007.

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MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 226**

AMENDMENT NO. 1. Amend Senate Bill 226 on page 7, line 1, by inserting after "divinorum" the following:

"(meaning all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts)".

Under the rules, the foregoing **Senate Bill No. 226**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 264

A bill for AN ACT concerning regulation.

Together with the following amendments which are 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. 264

House Amendment No. 2 to SENATE BILL NO. 264

Passed the House, as amended, May 24, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 264**

AMENDMENT NO. 1. Amend Senate Bill 264 on page 16, line 1, after "center", by inserting "shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and"; and

by replacing lines 8 through 26 on page 16 and lines 1 through 4 on page 17 with the following:

"the community.

(A) A birth center shall not be separately licensed if it is one of the following:

(1) A part of a hospital; or

(2) A freestanding facility that is physically distinct from a hospital but is operated under a license issued to a hospital under the Hospital Licensing Act.

(B) A separate birth center license shall be required if the birth center is operated as:

(1) A part of the operation of a federally qualified health center as designated by the United States Department of Health and Human Services; or

(2) A facility other than one described in subparagraph (A)(1), (A)(2), or (B)(1) of this paragraph (6) whose costs are reimbursable under Title XIX of the federal Social Security Act.

In adopting rules for birth centers, the Department shall consider: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code. The Department's rules shall stipulate the eligibility criteria for birth center admission. The Department's rules shall stipulate the necessary equipment for emergency care according to the American Association of Birth Centers' standards and any additional equipment deemed necessary by the Department. The Department's rules shall provide for a time period within which each birth center not part of a hospital must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or the Joint Commission."; and

on page 17, by replacing lines 13 through 24 with the following:

"A birth center that is not operated under a hospital license shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual

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relationship, including a transfer agreement, as required under this paragraph, that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary. A birth center operating under a hospital license shall be located within a ground travel time distance from the licensed hospital that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary.

The services of a collaborating physician, licensed to practice medicine in all its branches, who is certified"; and

on page 18, by replacing lines 7 through 9 with the following:

"who has hospital obstetrical privileges. A physician on the clinical staff or a collaborating physician shall be available either on the premises or by phone, and in collaboration with the Director of Nursing for Midwifery Services shall develop policies defining the criteria to determine both which pregnancies are accepted as normal, uncomplicated, and low-risk, and the anesthesia services available at the center."; and

on page 18, line 21, after "who is", by inserting "licensed or certified in a health-related field and"; and

on page 19, after line 16, by inserting the following:

"No general anesthesia and no surgery may be performed at a birth center. The Department may by rule add birth center patient eligibility criteria or standards as it deems necessary. The Department shall by rule require each birth center to report the information which the Department shall make publicly available, which shall include, but is not limited to, the following:

(i) Birth center ownership.

(ii) Sources of payment for services.

(iii) Utilization data involving patient length of stay.

(iv) Admissions and discharges.

(v) Complications.

(vi) Transfers.

(vii) Unusual incidents.

(viii) Deaths.

(xi) Any other publicly reported data required under the Illinois Consumer Guide.

(x) Post-discharge patient status data where patients are followed for 14 days after discharge from the birth center to determine whether the mother or baby developed a complication or infection."; and

on page 19, by replacing lines 19 through 21 with the following:

"shall adopt rules that are developed with consideration of: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code.".

#### **AMENDMENT NO. 2 TO SENATE BILL 264**

AMENDMENT NO. 2. Amend Senate Bill 264, AS AMENDED, in Section 5, Sec. 35, by replacing all of item (6) with the following:

"(6) Alternative health care delivery model; birth center. A birth center shall be exclusively dedicated to serving the childbirth-related needs of women and their newborns and shall have no more than 10 beds. A birth center is a designated site that is away from the mother's usual place of residence and in which births are planned to occur following a normal, uncomplicated, and low-risk pregnancy. A birth center shall offer prenatal care and community education services and shall coordinate these services with other health care services available in the community.

(A) A birth center shall not be separately licensed if it is one of the following:

(1) A part of a hospital; or

(2) A freestanding facility that is physically distinct from a hospital but is operated under a license issued to a hospital under the Hospital Licensing Act.

(B) A separate birth center license shall be required if the birth center is operated as:

(1) A part of the operation of a federally qualified health center as designated by the United States Department of Health and Human Services; or

(2) A facility other than one described in subparagraph (A)(1), (A)(2), or (B)(1) of this paragraph (6) whose costs are reimbursable under Title XIX of the federal Social Security Act.

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In adopting rules for birth centers, the Department shall consider: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code. The Department's rules shall stipulate the eligibility criteria for birth center admission. The Department's rules shall stipulate the necessary equipment for emergency care according to the American Association of Birth Centers' standards and any additional equipment deemed necessary by the Department. The Department's rules shall provide for a time period within which each birth center not part of a hospital must become accredited by either the Commission for the Accreditation of Freestanding Birth Centers or The Joint Commission.

A birth center shall be certified to participate in the Medicare and Medicaid programs under Titles XVIII and XIX, respectively, of the federal Social Security Act. To the extent necessary, the Illinois Department of Healthcare and Family Services shall apply for a waiver from the United States Health Care Financing Administration to allow birth centers to be reimbursed under Title XIX of the federal Social Security Act.

A birth center that is not operated under a hospital license shall be located within a ground travel time distance from the general acute care hospital with which the birth center maintains a contractual relationship, including a transfer agreement, as required under this paragraph, that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary. A birth center operating under a hospital license shall be located within a ground travel time distance from the licensed hospital that allows for an emergency caesarian delivery to be started within 30 minutes of the decision a caesarian delivery is necessary.

The services of a medial director physician, licensed to practice medicine in all its branches, who is certified or eligible for certification by the American College of Obstetricians and Gynecologists or the American Board of Osteopathic Obstetricians and Gynecologists or has hospital obstetrical privileges are required in birth centers. The medical director in consultation with the Director of Nursing and Midwifery Services shall coordinate the clinical staff and overall provision of patient care. The medical director or his or her physician designee shall be available on the premises or within a close proximity as defined by rule. The medical director and the Director of Nursing and Midwifery Services shall jointly develop and approve policies defining the criteria to determine which pregnancies are accepted as normal, uncomplicated, and low-risk, and the anesthesia services available at the center. No general anesthesia may be administered at the center.

If a birth center employs certified nurse midwives, a certified nurse midwife shall be the Director of Nursing and Midwifery Services who is responsible for the development of policies and procedures for services as provided by Department rules.

An obstetrician, family practitioner, or certified nurse midwife shall attend each woman in labor from the time of admission through birth and throughout the immediate postpartum period. Attendance may be delegated only to another physician or certified nurse midwife. Additionally, a second staff person shall also be present at each birth who is licensed or certified in Illinois in a health-related field and under the supervision of the physician or certified nurse midwife in attendance, has specialized training in labor and delivery techniques and care of newborns, and receives planned and ongoing training as needed to perform assigned duties effectively.

The maximum length of stay in a birth center shall be consistent with existing State laws allowing a 48-hour stay or appropriate post-delivery care, if discharged earlier than 48 hours.

A birth center shall participate in the Illinois Perinatal System under the Developmental Disability Prevention Act. At a minimum, this participation shall require a birth center to establish a letter of agreement with a hospital designated under the Perinatal System. A hospital that operates or has a letter of agreement with a birth center shall include the birth center under its maternity service plan under the Hospital Licensing Act and shall include the birth center in the hospital's letter of agreement with its regional perinatal center.

A birth center may not discriminate against any patient requiring treatment because of the source of payment for services, including Medicare and Medicaid recipients.

No general anesthesia and no surgery may be performed at a birth center. The Department may by rule add birth center patient eligibility criteria or standards as it deems necessary. The Department shall by rule require each birth center to report the information which the Department shall make publicly available, which shall include, but is not limited to, the following:

- (i) Birth center ownership.
- (ii) Sources of payment for services.
- (iii) Utilization data involving patient length of stay.
- (iv) Admissions and discharges.

(v) Complications.

(vi) Transfers.

(vii) Unusual incidents.

(viii) Deaths.

(xi) Any other publicly reported data required under the Illinois Consumer Guide.

(x) Post-discharge patient status data where patients are followed for 14 days after discharge from the birth center to determine whether the mother or baby developed a complication or infection.

Within 9 months after the effective date of this amendatory Act of the 95th General Assembly, the Department shall adopt rules that are developed with consideration of: the American Association of Birth Centers' Standards for Freestanding Birth Centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists Guidelines for Perinatal Care; and the Regionalized Perinatal Health Care Code.

The Department shall adopt other rules as necessary to implement the provisions of this amendatory Act of the 95th General Assembly within 9 months after the effective date of this amendatory Act of the 95th General Assembly."

Under the rules, the foregoing **Senate Bill No. 164**, with House Amendments numbered 1 and 2, 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 140

A bill for AN ACT concerning vehicles.

SENATE BILL NO. 142

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 170

A bill for AN ACT concerning transportation.

SENATE BILL NO. 199

A bill for AN ACT concerning government.

SENATE BILL NO. 252

A bill for AN ACT concerning local government.

SENATE BILL NO. 523

A bill for AN ACT concerning local government.

Passed the House, May 24, 2007.

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

SENATE BILL NO. 169

A bill for AN ACT regarding transportation.

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. 169

Passed the House, as amended, May 25, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 169**

AMENDMENT NO. 1. Amend Senate Bill 169, on page 1, by replacing lines 9 and 10 with the following:

"Section 10. The Illinois Vehicle Code is amended by changing Section 3-629 and adding Section

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3-664 as follows:

(625 ILCS 5/3-629)

Sec. 3-629. Collegiate license plates; scholarship fund.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue collegiate license plates. The collegiate plates issued under this Section shall be affixed only to passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. Plates issued under this Section shall expire according to the staggered multi-year procedure established under Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, at his or her discretion, issue the plates for any public college or university located in this State or for any degree-granting, not-for-profit private college or university located in this State or a contiguous state. If the college or university is located in a contiguous state, there must be not less than 10,000 alumni of the college or university residing in this State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements including a minimum level of specialized license plates requests and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the applicable registration fee. Of the original issuance fee in the case of a public university or college, \$25 shall be deposited into the State College and University Trust Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative costs of issuing the plate. Of the original issuance fee in the case of a degree-granting, not-for-profit private college or university, \$25 shall be deposited into the University Grant Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative cost of issuing the plate. In addition to the regular renewal fee, an applicant shall be charged \$27 for the renewal of each set of license plates issued under this Section; \$25 shall be deposited into the State College and University Trust Fund in the case of a public university or college or into the University Grant Fund in the case of a degree-granting, not-for-profit private college or university, and \$2 shall be deposited into the Secretary of State Special License Plate Fund plates for all collegiate plates.

(d) The State College and University Trust Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the State College and University Trust Fund for each public university or college for which collegiate license plates have been issued. Moneys in the State College and University Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each public university or college. Moneys deposited into the State College and University Trust Fund during the preceding calendar year shall be distributed, subject to appropriation, to each participating public university or college. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents.

(e) The University Grant Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the University Grant Fund for each university or college for which collegiate license plates have been issued. Moneys in the University Grant Fund shall be allocated to each account in proportion to the number of plates sold in regard to each university or college. Moneys deposited into these accounts during the preceding calendar year shall, subject to appropriation, be distributed through the Illinois Student Assistance Commission to participating private colleges and universities. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents. All moneys in the University Grant Fund shall be appropriated to the Illinois Student Assistance Commission to make reimbursements to participating private colleges and universities under the Higher Education License Plate Grant Program.

(Source: P.A. 90-14, eff. 7-1-97; 90-278, eff. 7-31-97; 90-774, eff. 8-14-98; 91-83, eff. 1-1-00)."

Under the rules, the foregoing **Senate Bill No. 169**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

[May 28, 2007]

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. 253

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. 253

Passed the House, as amended, May 25, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 253**

AMENDMENT NO. 1. Amend Senate Bill 253 on page 2, by replacing lines 2 through 9 with the following:

"(d) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (a)."

Under the rules, the foregoing **Senate Bill No. 253**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 274

A bill for AN ACT concerning criminal law.

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. 274

Passed the House, as amended, May 25, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 274**

AMENDMENT NO. 1. Amend Senate Bill 274 by replacing everything after the enacting clause with the following:

"Section 5. The Methamphetamine Control and Community Protection Act is amended by changing Section 25 as follows:

(720 ILCS 646/25)

Sec. 25. Anhydrous ammonia.

(a) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.

(1) It is unlawful to knowingly engage in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or to attempt to engage in any of these activities or to assist another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine.

(2) A person who violates paragraph (1) of this subsection (a) is guilty of a Class 1 felony.

(b) Aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to manufacture methamphetamine.

(1) It is unlawful to knowingly engage in the aggravated possession, procurement, transportation, storage, or delivery of anhydrous ammonia with the intent that it be used to

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manufacture methamphetamine. A person commits this offense when the person engages in the possession, procurement, transportation, storage, or delivery of anhydrous ammonia or attempts to engage in any of these activities or assists another in engaging in any of these activities with the intent that the anhydrous ammonia be used to manufacture methamphetamine and:

(A) the person knowingly does so in a multi-unit dwelling;

(B) the person knowingly does so in a structure or vehicle where a child under the age of 18, or a person with a disability, or a person who is 60 years of age or older who is incapable of adequately providing for his or her own health and personal care resides, is present, or is endangered by the anhydrous ammonia;

(C) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of the death, serious bodily injury, disability, or disfigurement of another person; or

(D) the person's possession, procurement, transportation, storage, or delivery of anhydrous ammonia is a contributing cause of a fire or explosion that damages property belonging to another person.

(2) A person who violates paragraph (1) of this subsection (b) is guilty of a Class X felony, subject to a term of imprisonment of not less than 6 years and not more than 30 years, and subject to a fine not to exceed \$100,000.

(c) Possession, procurement, transportation, storage, or delivery of anhydrous ammonia in an unauthorized container.

(1) It is unlawful to knowingly possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

(1.5) It is unlawful to attempt to possess, procure, transport, store, or deliver anhydrous ammonia in an unauthorized container.

(2) A person who violates paragraph (1) of this subsection (c) is guilty of a Class 3 felony. A person who violates paragraph (1.5) of this subsection (c) is guilty of a Class 4 felony.

(3) Affirmative defense. It is an affirmative defense that the person charged possessed, procured, transported, stored, or delivered anhydrous ammonia in a manner that substantially complied with the rules governing anhydrous ammonia equipment found in 8 Illinois Administrative Code Section 215, in 92 Illinois Administrative Code Sections 171 through 180, or in any provision of the Code of Federal Regulations incorporated by reference into these Sections of the Illinois Administrative Code.

(d) Tampering with anhydrous ammonia equipment.

(1) It is unlawful to knowingly tamper with anhydrous ammonia equipment. A person tampers with anhydrous ammonia equipment when, without authorization from the lawful owner, the person:

(A) removes or attempts to remove anhydrous ammonia from the anhydrous ammonia equipment used by the lawful owner;

(B) damages or attempts to damage the anhydrous ammonia equipment used by the lawful owner; or

(C) vents or attempts to vent anhydrous ammonia into the environment.

(2) A person who violates paragraph (1) of this subsection (d) is guilty of a Class 3 felony.

(Source: P.A. 94-556, eff. 9-11-05; 94-830, eff. 6-5-06.)

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

Under the rules, the foregoing **Senate Bill No. 274**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 284

A bill for AN ACT concerning regulation.

[May 28, 2007]

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. 284  
Passed the House, as amended, May 25, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 284**

AMENDMENT NO. 1. Amend Senate Bill 284 by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by adding Section 3.5 as follows:  
(225 ILCS 10/3.5 new)

Sec. 3.5. Group homes for adolescents diagnosed with autism.

(a) Subject to appropriation, the Department of Human Services, Developmental Disabilities Division, shall provide for the establishment of 3 children's group homes for adolescents who have been diagnosed with autism and who are at least 15 years of age and not more than 18 years of age. The homes shall be located in 3 separate geographical areas of the State. The homes shall operate 7 days per week and shall be staffed 24 hours per day. The homes shall feature maximum family involvement based on a service and support agreement signed by the adolescent's family and the provider. An eligible service provider:  
(i) must have a minimum of 5 years experience serving individuals with autism residentially and have successfully supported individuals with challenging behaviors; (ii) must demonstrate that staff have equal experience in this regard; and (iii) must have a full-time Board-Certified Behavior Analyst on staff.

(b) The provider shall ensure that the staff at each home receives appropriate training in matters that include, but need not be limited to, the following: behavior analysis, skill training, and other methodologies of teaching such as discreet trial and picture exchange communication system.

(c) The homes shall provide therapeutic and other support services to the adolescents being served there. The therapeutic curriculum shall be based on the principles of applied behavior analysis.

(d) An agreeable rate shall be established by the Department of Children and Family Services and the Department of Human Services, Developmental Disabilities Division.

Section 99. Effective date. This Act takes effect July 1, 2007."

Under the rules, the foregoing **Senate Bill No. 284**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 765

A bill for AN ACT concerning State 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. 765  
Passed the House, as amended, May 25, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 765**

AMENDMENT NO. 1. Amend Senate Bill 765 by replacing everything after the enacting clause with the following:

"Section 5. The Disabilities Services Act of 2003 is amended by adding a heading to Article 1 immediately before Section 1 of the Act, by adding a heading to Article 2 immediately before Section 5 of the Act, by adding Article 3 and a heading to Article 99 immediately before Section 90 of the Act as follows:

[May 28, 2007]

(20 ILCS 2407/Art. 1 heading new)

ARTICLE 1. SHORT TITLE

(20 ILCS 2407/Art. 2 heading new)

ARTICLE 2. DISABILITIES SERVICES ACT of 2003

(20 ILCS 2407/Art. 3 heading new)

ARTICLE 3. MONEY FOLLOWS THE PERSON IMPLEMENTATION ACT

(20 ILCS 2407/51 new)

Sec. 51. Legislative intent. It is the intent of the General Assembly to promote the civil rights of persons with disabilities by providing community-based service for persons with disabilities when such services are determined appropriate and desired, as required by Title II of the Americans with Disabilities Act under the United States Supreme Court's decision in Olmstead v. L.C., 527 U.S. 581 (1999). In accordance with Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), the purpose of this Act is (i) to identify and reduce barriers or mechanisms, whether in State law, the State Medicaid Plan, the State budget, or otherwise, that prevent or restrict the flexible use of public funds to enable individuals with disabilities to receive support for appropriate and necessary long-term care services in settings of their choice; (ii) to increase the use of home and community-based long-term care services, rather than institutions or long-term care facilities; (iii) to increase the ability of the State Medicaid program to assure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institution or a long-term care facility to a community setting; and (iv) to ensure that procedures are in place that are at least comparable to those required under the qualified home and community-based program to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services. Utilizing the framework created by the "Money Follows the Person" demonstration project, approval received by the State on May 14, 2007, the purpose of this Act is to codify and reinforce the State's commitment to promote individual choice and control and increase utilization of home and community-based services through:

(a) Increased ability of the State Medicaid program to ensure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institution to a community setting.

(b) Assessment and removal of barriers to community reintegration, including development of a comprehensive housing strategy.

(c) Expand availability of consumer self-directed service options.

(d) Increased use of home and community-based long-term care services, rather than institutions or long-term care facilities, such that the percentage of the state long-term care budget expended for community-based services increases from its current 28.5% to at least 37% in the next 5 years.

(e) Creation and implementation of interagency agreements or budgetary mechanisms to allow for the flexible movement of allocated dollars from institutional budget appropriations to appropriations supporting home and community-based services or Medicaid State Plan options.

(f) Creation of an equitable, clinically sound and cost-effective system for identification and review of community transition candidates across all long-term care systems; including improvement of prescreening, assessment for rapid reintegration and targeted review of longer stay residents, training and outreach education for providers and consumers on community alternatives across all long-term care systems.

(g) Development and implementation of data and information systems to track individuals across service systems and funding streams; support responsive eligibility determination; facilitate placement and care decisions; identify individuals with potential for transition; and drive planning for the development of community-based alternatives.

(h) Establishment of procedures that are at least comparable to those required under the qualified home and community-based program to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services.

(i) Nothing in this amendatory Act of the 95th General Assembly shall diminish or restrict the choice of an individual to reside in an institution or the quality of care they receive.

(20 ILCS 2407/52 new)

Sec. 52. Applicability: definitions. In accordance with Section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), as used in this Article:

"Departments". The term "Departments" means for the purposes of this Act, the Department of Human Services, the Department on Aging, Department of Healthcare and Family Services and

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Department of Public Health, unless otherwise noted.

"Home and community-based long-term care services". The term "home and community-based long-term care services" means, with respect to the State Medicaid program, a service aid, or benefit, home and community-based services, including but not limited to home health and personal care services, that are provided to a person with a disability, and are voluntarily accepted, as part of his or her long-term care that: (i) is provided under the State's qualified home and community-based program or that could be provided under such a program but is otherwise provided under the Medicaid program; (ii) is delivered in a qualified residence; and (iii) is necessary for the person with a disability to live in the community.

"Long-term care facility". The term "long-term care facility", for the purposes of this Article, means a skilled nursing or intermediate long-term care facility subject to licensure by the Department of Public Health under the Nursing Home Care Act, an intermediate care facility for the developmentally disabled (ICF-DDs), and a State-operated developmental center or mental health center, whether publicly or privately owned.

"Money Follows the Person" Demonstration. Enacted by the Deficit Reduction Act of 2005, the Money Follows the Person (MFP) Rebalancing Demonstration is part of a comprehensive, coordinated strategy to assist states, in collaboration with stakeholders, to make widespread changes to their long-term care support systems. This initiative will assist states in their efforts to reduce their reliance on institutional care while developing community-based long-term care opportunities, enabling the elderly and people with disabilities to fully participate in their communities.

"Public funds" mean any funds appropriated by the General Assembly to the Departments of Human Services, on Aging, of Healthcare and Family Services and of Public Health for settings and services as defined in this Article.

"Qualified residence". The term "qualified residence" means, with respect to an eligible individual: (i) a home owned or leased by the individual or the individual's authorized representative (as defined by P.L. 109-171); (ii) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; or (iii) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside. Where qualified residences are not sufficient to meet the demand of eligible individuals, time limited exceptions to this definition may be developed through administrative rule.

"Self-directed services". The term "self-directed services" means, with respect to home and community-based long-term services for an eligible individual, those services for the individual that are planned and purchased under the direction and control of the individual or the individual's authorized representative, including the amount, duration, scope, provider, and location of such services, under the State Medicaid program consistent with the following requirements:

(a) Assessment: there is an assessment of the needs, capabilities, and preference of the individual with respect to such services.

(b) Individual service care or treatment plan: based on the assessment, there is development jointly with such individual or individual's authorized representative, a plan for such services for the individual that (i) specifies those services, if any, that the individual or the individual's authorized representative would be responsible for directing; (ii) identifies the methods by which the individual or the individual's authorized representative or an agency designated by an individual or representative will select, manage, and dismiss providers of such services.

(20 ILCS 2407/53 new)

Sec. 53. Rebalancing benchmarks.

(a) Illinois' long-term care system is in a state of transformation, as evidenced by the creation and subsequent work products of the Disability Services Advisory Committee, Older Adult Services Advisory Committee, Housing Task Force and other executive and legislative branch initiatives.

(b) Illinois' Money Follows the Person demonstration approval capitalizes on this progress and commits the State to transition approximately 3,357 older persons and persons with developmental, physical or psychiatric disabilities from institutional to home and community-based settings, resulting in an increased percentage of long-term care community spending over the next 5 years.

(c) The State will endeavor to increase the percentage of community-based long-term care spending over the next 5 years according to the following timeline:

Estimated baseline: 28.5%

Year 1: 30%

Year 2: 31%

Year 3: 32%

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Year 4: 35%

Year 5: 37%

(d) The Departments will utilize interagency agreements and will seek legislative authority to implement a Money Follows the Person budgetary mechanism to allocate or reallocate funds for the purpose of expanding the availability, quality or stability of home and community-based long-term care services and supports for persons with disabilities.

(e) The allocation of public funds for home and community-based long-term care services shall not have the effect of: (i) diminishing or reducing the quality of services available to residents of long-term care facilities; (ii) forcing any residents of long-term care facilities to involuntarily accept home and community-based long-term care services, or causing any residents of long-term care facilities to be involuntarily transferred or discharged; (iii) causing reductions in long-term care facility reimbursement rates in effect as of July 1, 2008; or (iv) diminishing access to a full array of long-term care options.

(20 ILCS 2407/54 new)

Sec. 54. Quality assurance and quality improvement.

(a) In accordance with subsection (11) of section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171), the Departments shall develop a plan for quality assurance and quality improvement for home and community-based long-term care services under the State Medicaid program, including a plan to assure the health and welfare of eligible individuals under this Act.

(b) This plan shall require the Departments to apply for any available funding to support the intent of this legislation, and to seek any appropriate federal Medicaid approval.

(20 ILCS 2407/55 new)

Sec. 55. Dissemination of reports.

(a) On or before April 1 of each year, in conjunction with their annual report, the Department of Healthcare and Family Services, in cooperation with the other involved agencies, shall report to the Governor and the General Assembly on the implementation of this Act and include, at a minimum, the following data: (i) a description of any interagency agreements, fiscal payment mechanisms or methodologies developed under this Act that effectively support choice; (ii) information concerning the dollar amounts of State Medicaid long-term care expenditures and the percentage of such expenditures that were for institutional long-term care services or were for home and community-based long-term care services; and (iii) documentation that the Departments have met the requirements under Section 54(a) to assure the health and welfare of eligible individuals receiving home and community-based long-term care services. This report must be made available to the general public, including via the Departmental websites.

(20 ILCS 2407/56 new)

Sec. 56. Effect on existing rights.

(a) This Article does not alter or affect the manner in which persons with disabilities are determined eligible or appropriate for home and community-based long-term care services.

(b) This Article shall not be read to limit in any way the rights of persons with disabilities under the U.S. Constitution, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Social Security Act, or any other federal or State law.

(20 ILCS 2407/57 new)

Sec. 57. Rules. The Departments of Human Services, on Aging, of Healthcare and Family Services and of Public Health shall adopt any rules necessary for the implementation and administration of this Act."

Under the rules, the foregoing **Senate Bill No. 765**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 338

A bill for AN ACT concerning revenue.

Passed the House, May 25, 2007.

MARK MAHONEY, Clerk of the House

[May 28, 2007]

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 3477

A bill for AN ACT concerning criminal law.  
Passed the House, May 25, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 3477** was taken up, ordered printed and placed on first reading.

### **JOINT ACTION MOTIONS FILED**

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

Motion to Concur in House Amendment 1 to Senate Bill 169  
Motion to Concur in House Amendment 1 to Senate Bill 284  
Motion to Concur in House Amendment 1 to Senate Bill 765  
Motion to Concur in House Amendments 1 and 2 to Senate Bill 935  
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1257

### **MESSAGE FROM THE GOVERNOR**

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

May 25, 2007

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-Fifth 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.

s/Rod Blagojevich  
GOVERNOR

### **ILLINOIS EMERGENCY MANAGEMENT AGENCY**

To be Assistant Director of the Illinois Emergency Management Agency for a term commencing May 21, 2007 and ending January 19, 2009:

Joseph G. Klinger  
[May 28, 2007]



Salaried

**GUARDIANSHIP AND ADVOCACY COMMISSION**

To be a member of the Guardianship and Advocacy Commission for a term commencing May 21, 2007 and ending June 30, 2009:

Representative Kathleen A. Ryg  
Non-Salaried

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

**INTRODUCTION OF BILL**

**SENATE BILL NO. 1845.** Introduced by Senator Sandoval, a bill for AN ACT concerning education.

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

**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. 19

A bill for AN ACT concerning public health.

Together with the following amendments which are 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. 19

House Amendment No. 2 to SENATE BILL NO. 19

Passed the House, as amended, May 28, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 19**

AMENDMENT NO. 1. Amend Senate Bill 19 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 2310-577 as follows:

(20 ILCS 2310/2310-577 new)

Sec. 2310-577. Cord blood stem cell banks.

(a) Subject to appropriation, the Department shall establish a network of human cord blood stem cell banks. The Director shall enter into contracts with qualified cord blood stem cell banks to assist in the establishment, provision, and maintenance of the network.

(b) A cord blood stem cell bank is eligible to enter the network and be a donor bank if it satisfies each of the following:

(1) Has obtained all applicable federal and State licenses, accreditations, certifications, registrations, and other authorizations required to operate and maintain a cord blood stem cell bank.

(2) Has implemented donor screening and cord blood collection practices adequate to protect both donors and transplant recipients and to prevent transmission of potentially harmful infections and other diseases.

(3) Has established a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with existing federal and State law and consistent with regulations

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promulgated under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, for the release of the identity of donors, the identity of recipients, or identifiable records.

(4) Has established a system for encouraging donation by an ethnically and racially diverse group of donors.

(5) Has developed adequate systems for communication with other cord blood stem cell banks, transplant centers, and physicians with respect to the request, release, and distribution of cord blood units nationally and has developed those systems, consistent with the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, to track recipients' clinical outcomes for distributed units.

(6) Has developed an objective system for educating the public, including patient advocacy organizations, about the benefits of donating and utilizing cord blood stem cells in appropriate circumstances.

(7) Has policies and procedures in place for the procurement of materials for the conduct of stem cell research, including policies and procedures ensuring that persons are empowered to make voluntary and informed decisions to participate or to refuse to participate in the research, and ensuring confidentiality of the decision.

(8) Has policies and procedures in place to ensure the bank is following current best practices with respect to medical ethics, including informed consent of patients and the protection of human subjects.

(c) A donor bank that enters into the network shall do all of the following:

(1) Acquire, tissue-type, test, cryopreserve, and store donated units of human cord blood acquired with the informed consent of the donor, in a manner that complies with applicable federal regulations.

(2) Make cord blood units collected under this Section, or otherwise, available to transplant centers for stem cell transplantation.

(3) Allocate up to 10% of the cord blood inventory each year for peer-reviewed research. This quota may be met by using cord blood units that did not meet the cell count standards necessary for transplantation.

(d) An advisory committee shall advise the Department concerning the administration of the cord blood stem cell bank network. The committee shall be appointed by the Director and consist of members who represent each of the following:

(1) Cord blood stem cell transplant centers.

(2) Physicians from participating birthing hospitals.

(3) The cord blood stem cell research community.

(4) Recipients of cord blood stem cell transplants.

(5) Family members who have made a donation to a statewide cord blood stem cell bank.

(6) Individuals with expertise in the social sciences.

(7) Members of the general public.

(8) Each network donor bank.

Except as otherwise provided under this subsection, each member of the committee shall serve for a 3-year term and may be reappointed for one or more additional terms. Appointments for the initial members shall be for terms of 1, 2, and 3 years, respectively, so as to provide for the subsequent appointment of an equal number of members each year. The committee shall elect a chairperson.

(e) A person has a conflict of interest if any action, advice, or recommendation with respect to a matter may directly or indirectly financially benefit any of the following:

(1) That person.

(2) That person's spouse, immediate family living with that person, or that person's extended family.

(3) Any individual or entity required to be disclosed by that person.

(4) Any other individual or entity with which that person has a business or professional relationship.

An advisory committee member who has a conflict of interest with respect to a matter may not discuss that matter with other committee members and shall not vote upon or otherwise participate in any committee action, advice, or recommendation with respect to that matter. Each recusal occurring during a committee meeting shall be made a part of the minutes or recording of the meeting in accordance with the Open Meetings Act.

The Department shall not allow any Department employee to participate in the processing of, or to provide any advice or recommendation concerning, any matter with which the Department employee has a conflict of interest.

(f) Each advisory committee member shall file with the Secretary of State a written disclosure of the following with respect to the member, the member's spouse, and any immediate family living with the member:

(1) Each source of income.

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(2) Each entity in which the member, spouse, or immediate family living with the member has an ownership or distributive income share that is not an income source required to be disclosed under item (1) of this subsection (f).

(3) Each entity in or for which the member, spouse, or immediate family living with the member serves as an executive, officer, director, trustee, or fiduciary.

(4) Each entity with which the member, member's spouse, or immediate family living with the member has a contract for future income.

Each advisory committee member shall file the disclosure required by this subsection (f) at the time the member is appointed and at the time of any reappointment of that member.

Each advisory committee member shall file an updated disclosure with the Secretary of State promptly after any change in the items required to be disclosed under this subsection with respect to the member, the member's spouse, or any immediate family living with the member.

The requirements of Section 3A-30 of the Illinois Governmental Ethics Act and any other disclosures required by law apply to this Act.

Filed disclosures shall be public records.

(g) The Department shall do each of the following:

(1) Ensure that the donor banks within the network meet the requirements of subsection (b) on a continuing basis.

(2) Encourage network donor banks to work collaboratively with other network donor banks and encourage network donor banks to focus their resources in their respective local or regional area.

(3) Designate one or more established national or international cord blood registries to serve as a statewide cord blood stem cell registry.

(4) Coordinate the donor banks in the network.

In performing these duties, the Department may seek the advice of the advisory committee.

(h) Definitions. As used in this Section:

(1) "Cord blood unit" means the blood collected from a single placenta and umbilical cord.

(2) "Donor" means a mother who has delivered a baby and consents to donate the newborn's blood remaining in the placenta and umbilical cord.

(3) "Donor bank" means a qualified cord blood stem cell bank that enters into a contract with the Director under this Section.

(4) "Human cord blood stem cells" means hematopoietic stem cells and any other stem cells contained in the neonatal blood collected immediately after the birth from the separated placenta and umbilical cord.

(5) "Network" means the network of qualified cord blood stem cell banks established under this Section.

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

#### AMENDMENT NO. 2 TO SENATE BILL 19

AMENDMENT NO. 2. Amend Senate Bill 19, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, below line 1, by inserting the following:

"(4) Make agreements with obstetrical health care facilities, consistent with federal regulations, for the collection of donated units of human cord blood."; and

on page 4, below line 14, by inserting the following:

"(9) Hospital administration from birthing hospitals.".

Under the rules, the foregoing **Senate Bill No. 19**, with House Amendments numbered 1 and 2, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 108

A bill for AN ACT in relation to children.

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:

[May 28, 2007]

House Amendment No. 1 to SENATE BILL NO. 108  
Passed the House, as amended, May 28, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 108**

AMENDMENT NO. 1. Amend Senate Bill 108 on page 3, by replacing lines 22 and 23 with the following:

"child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child:"; and

on page 3, line 24, by deleting "made"; and

on page 13, by replacing lines 1 and 2 with the following:

"home, and no other living arrangement agreeable to the ~~minor~~ and the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child, the agency".

Under the rules, the foregoing **Senate Bill No. 108**, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 244

A bill for AN ACT concerning State government.

Together with the following amendments which are 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. 244

House Amendment No. 4 to SENATE BILL NO. 244

Passed the House, as amended, May 28, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 244**

AMENDMENT NO. 1. Amend Senate Bill 244 as follows:

immediately above the enacting clause, by inserting the following:

"WHEREAS, The 94th General Assembly funded a study by the Lewin Group, "An Evaluation of Illinois' 'Certificate of Need' Program", which recommended that "... the Illinois legislature move forward to continue the 'Certificate-of-Need' program with an abundance of caution...". Given the potential for harm to specific critical elements of the health care system, non-traditional arguments for maintaining "Certificate-of-Need" laws deserve consideration, until the evidence on the impact that specialty providers and ambulatory surgery centers may have on safety-net providers and services can be better quantified. In response to the Lewin analysis and additional concerns regarding health planning in Illinois, the 95th General Assembly enacted Senate Bill 611 (Public Act 95-0001) that extended the "sunset" date of the Illinois Health Facilities Planning Act from April 1, 2007 to May 31, 2007 so that interested parties could agree on a strategy to further extend the "sunset" date, and develop a more comprehensive reform agenda; therefore"; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 19.6 and by adding Sections 12.5 and 15.5 as follows:  
(20 ILCS 3960/12.5 new)

[May 28, 2007]

Sec. 12.5. Update of existing bed inventory and associated bed need projections. The State Agency shall immediately update the existing bed inventory and associated bed need projections required by Sections 12 and 12.3 of this Act, using the most recently published historical utilization data, 10-year population projections, and a consistent 85% migration factor for each category of service.

(20 ILCS 3960/15.5 new)

Sec. 15.5. Task Force on Health Planning Reform.

(a) The Task Force on Health Planning Reform is created.

(b) The Task Force shall consist of 15 voting members, as follows: 6 persons, who are not currently employed by a State agency, appointed by the Director of Public Health, 3 of whom shall be persons with knowledge and experience in the delivery of health care services, including at least 1 person representing organized health service workers, 2 of whom shall be persons with professional experience in the administration or management of health care facilities, and 1 of whom shall be a person with experience in health planning; 2 members of the Illinois Senate appointed by the President of the Senate, one of whom shall be designated a co-chair at the time of appointment; 2 members of the Illinois Senate appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated a co-chair at the time of appointment; 2 members of the Illinois House of Representatives appointed by the House Minority Leader; and one member, or a designee, appointed by the Attorney General of Illinois.

The following persons, or their designees, shall serve, ex officio, as nonvoting members of the Task Force: the Director of Public Health, the Secretary of the Illinois Health Facilities Planning Board, the Director of Healthcare and Family Services, the Secretary of Human Services, and the Director of the Governor's Office of Management and Budget.

Members shall serve without compensation, but may be reimbursed for their expenses in relation to duties on the Task Force.

A vote of 10 members appointed to the Task Force is required with respect to the adoption of recommendations to the Governor and General Assembly and the final report required by this Section.

(c) The Task Force shall gather information and make recommendations relating to at least the following topics in relation to the Illinois Health Facilities Planning Act:

(1) The impact of health planning on the provision of essential and accessible health care services; prevention of unnecessary duplication of facilities and services; improvement in the efficiency of the health care system; maintenance of an environment in the health care system that supports quality care; the most economic use of available resources; and the effect of repealing this Act.

(2) Reform of the Illinois Health Facilities Planning Board to enable it to undertake a more active role in health planning to provide guidance in the development of services to meet the health care needs of Illinois, including identifying and recommending initiatives to meet special needs.

(3) Reforms to ensure that health planning under the Illinois Health Facilities Planning Act is coordinated with other health planning laws and activities of the State.

(4) Reforms that will enable the Illinois Health Facilities Planning Board to focus most of its project review efforts on "Certificate-of-Need" applications involving new facilities, discontinuation of services, major expansions, and volume-sensitive services, and to expedite review of other projects to the maximum extent possible.

(5) Reforms that will enable the Illinois Health Facilities Planning Board to determine how criteria, standards, and procedures for evaluating project applications involving specialty providers, ambulatory surgical facilities, and other alternative health care models should be amended to give special attention to the impact of those projects on traditional community hospitals to assure the availability and access to essential quality medical care in those communities.

(6) Implementation of policies and procedures necessary for the Illinois Health Facilities Planning Board to give special consideration to the impact of the projects it reviews on access to "safety net" services.

(7) Changes in policies and procedures to make the Illinois health facilities planning process predictable, transparent, and as efficient as possible; requiring the State Agency (the Illinois Department of Public Health) and the Illinois Health Facilities Planning Board to provide timely and appropriate explanations of its decisions and establish more effective procedures to enable public review and comment on facts set forth in State Agency staff analyses of project applications prior to the issuance of final decisions on each project.

(8) Reforms to ensure that patient access to new and modernized services will not be delayed during a transition period under any proposed system reform; and that the transition should minimize disruption of the process for current applicants.

(9) Identification of the resources necessary to support the work of the Agency and the Board.

[May 28, 2007]

(d) The Task Force shall recommend reforms regarding the following:

(1) The size and membership of current Illinois Health Facilities Planning Board. Review and make recommendations on the reorganization of the structure and function of the Illinois Health Facilities Planning Board and the State Agency responsible for health planning (the Illinois Department of Public Health), giving consideration to various options for re-assigning the primary responsibility for the review, approval, and denial of project applications between the Board and the State Agency, so that the "Certificate-of-Need" process is administered in the most effective, efficient, and consistent manner possible in accordance with the objectives referenced in subsection (c) of this Section.

(2) Changes in policies and procedures that will charge the Illinois Health Facilities Planning Board with developing a long range health facilities plan (10 years) to be updated at least every 2 years, so that it is a rolling 10-year plan based upon data no older than 2 years. The plan should incorporate an inventory of the State's health facilities infrastructure including both facilities and services regulated under this Act, as well as facilities and services that are not currently regulated under this Act, as determined by the Board. The planning criteria and standards should be adjusted to take into consideration services that are regulated under the Act, but are also offered by non-regulated providers. The Illinois Department of Public Health bed inventory should be updated each year using the most recent utilization data for both hospitals and long-term care facilities including 2003, 2004, 2005 and subsequent-year inpatient discharges and days. This revised bed supply should be used as the bed supply input for all Planning Area bed need calculations. Ten-year population projection data should be incorporated into the plan. Plan updates may include re-drawing planning area boundaries to reflect population changes. The Task Force shall consider whether the inventory formula should use migration factors for the medical/surgical, pediatrics, obstetrics, and other categories of service, and if so, what those migration factors should be. The Board should hold public hearings on the plan and its updates. There should be a mechanism for the public to request that the plan be updated more frequently to address emerging population and demographic trends. In developing the plan, the Board should consider health plans and other related publications that have been developed both in Illinois and nationally. In developing the plan, the need to ensure access to care, especially for "safety net" services, including rural and medically underserved communities, should be included.

(3) Changes in regulations that establish separate criteria, standards, and procedures when necessary to adjust for structural, functional, and operational differences between long term care facilities and acute care facilities and that allow routine changes of ownership, facility sales, and closure requests to be processed on a timely basis. Consider rules to allow flexibility for facilities to modernize, expand, or convert to alternative uses that are in accord with health planning standards.

(4) Changes in policies and procedures so that the Illinois Health Facilities Planning Board updates the standards and criteria on a regular basis and proposes new standards to keep pace with the evolving health care delivery system. Proton Therapy and Treatment is an example of a new, cutting-edge procedure that may require the Board to immediately develop criteria, standards, and procedures for that type of facility. Temporary advisory committees may be appointed to assist in the development of revisions to the Board's standards and criteria, including experts with professional competence in the subject matter of the proposed standards or criteria that are to be developed.

(5) Changes in policies and procedures to expedite project approval, particularly for less complex projects, including standards for determining whether a project is in "substantial compliance" with the Board's review standards. The review standards must include a requirement for applicants to include a "Safety Net" Impact Statement. This Statement shall describe the project's impact on safety net services in the community. The State Agency Report shall include an assessment of the Statement.

(6) Changes to enforcement processes and compliance standards to ensure they are fair and consistent with the severity of the violation.

(7) Revisions in policies and procedures to prevent conflicts of interest by members of the Illinois Health Facilities Planning Board and State Agency staff, including increasing the penalties for violations.

(8) Other changes determined necessary to improve the administration of this Act.

(e) The State Agency, at the direction of the Task Force, may hire any necessary staff or consultants, enter into contracts, and make any expenditures necessary for carrying out the duties of the Task Force, all out of moneys appropriated for that purpose. Staff support services shall be provided to the Task Force by the State Agency from such appropriations.

(f) The Task Force may establish any advisory committee to ensure maximum public participation in the Task Force's planning, organization, and implementation review process. If established, advisory committees shall (i) advise and assist the Task Force in its duties and (ii) help the Task Force to identify issues of public concern.

(g) The Task Force shall submit findings and recommendations to the Governor and the General Assembly by March 1, 2008, including any necessary implementing legislation, and recommendations for changes to policies, rules, or procedures that are not incorporated in the implementing legislation.

(h) The Task Force is abolished on August 1, 2008.

(20 ILCS 3960/19.6)

(Section scheduled to be repealed on May 31, 2007)

Sec. 19.6. Repeal. This Act is repealed on August 31, 2008 ~~May 31, 2007~~.

(Source: P.A. 94-983, eff. 6-30-06; 95-1, eff. 3-30-07.)

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

#### AMENDMENT NO. 4 TO SENATE BILL 244

AMENDMENT NO. 4. Amend Senate Bill 244, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing lines 12 through 19 with the following:

"(20 ILCS 3960/12.5 new)

Sec. 12.5. Update existing bed inventory and associated bed need projections. While the Task Force on Health Planning Reform will make long-term recommendations related to the method and formula for calculating the bed inventory and associated bed need projections, there is a current need for the bed inventory to be updated prior to the issuance of the recommendations of the Task Force. Therefore, the State Agency shall immediately update the existing bed inventory and associated bed need projections required by Sections 12 and 12.3 of this Act, using the most recently published historical utilization data, 10-year population projections, and an appropriate migration factor for the medical-surgical and pediatric category of service which shall be no less than 50%. The State Agency shall provide written documentation providing the methodology and rationale used to determine the appropriate migration factor."; and

on page 3, by replacing lines 1 through 19 with the following:

"(b) The Task Force shall consist of 19 voting members, as follows: 6 persons, who are not currently employed by a State agency, appointed by the Director of Public Health, 3 of whom shall be persons with knowledge and experience in the delivery of health care services, including at least one person representing organized health service workers, 2 of whom shall be persons with professional experience in the administration or management of health care facilities, and one of whom shall be a person with experience in health planning; 2 members of the Illinois Senate appointed by the President of the Senate, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois Senate appointed by the Senate Minority Leader; 2 members of the Illinois House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a co-chair to the Task Force; 2 members of the Illinois House of Representatives appointed by the House Minority Leader; the Attorney General, or his or her designee; and 4 members of the general public, representing health care consumers, appointed by the Attorney General of Illinois."; and

on page 4, line 3, by replacing "10" with "12".

Under the rules, the foregoing **Senate Bill No. 244**, with House Amendments numbered 1 and 2, 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 115

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 122

A bill for AN ACT concerning education.

SENATE BILL NO. 137

A bill for AN ACT concerning the Internet.

SENATE BILL NO. 290

A bill for AN ACT concerning local government.

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## SENATE BILL NO. 368

A bill for AN ACT concerning business.

Passed the House, May 28, 2007.

MARK MAHONEY, Clerk of the House

**JOINT ACTION MOTIONS FILED**

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 19  
 Motion to Concur in House Amendment 1 to Senate Bill 108  
 Motion to Concur in House Amendments 1 and 4 to Senate Bill 244  
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 264  
 Motion to Concur in House Amendment 1 to Senate Bill 426  
 Motion to Concur with House Amendments 1 and 2 to Senate Bill 1257

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 1635**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2913**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3675**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

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

At the hour of 5:22 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 5:54 o'clock p.m., the Senate resumed consideration of business.  
 Senator Link, presiding.

**HOUSE BILL RECALLED**

On motion of Senator Harmon, **House Bill No. 1519** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO HOUSE BILL 1519**

AMENDMENT NO. 3. Amend House Bill 1519, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, as follows:

on page 32, by replacing line 22 with the following:

"1999 by the Village of Rosemont, or

(FFF) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park."; and

on page 70, line 10, after "Rosemont", by inserting ", or (FFF) if the ordinance was adopted on

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December 19, 2000 by the Village of Stone Park".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 1519**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays 2.

The following voted in the affirmative:

Althoff	Haine	Maloney	Rutherford
Bomke	Halvorson	Martinez	Sandoval
Bond	Harmon	Meeks	Schoenberg
Brady	Hendon	Millner	Sieben
Clayborne	Holmes	Munoz	Sullivan
Collins	Hultgren	Murphy	Syverson
Crotty	Jacobs	Noland	Trotter
Cullerton	Jones, J.	Pankau	Viverito
Delgado	Koehler	Peterson	Watson
Demuzio	Kotowski	Radogno	Wilhelmi
Dillard	Lauzen	Raoul	Mr. President
Forby	Lightford	Righter	
Frerichs	Link	Risinger	
Garrett	Luechtefeld	Ronen	

The following voted in the negative:

Burzynski  
Dahl

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 Amendments adopted thereto.

On motion of Senator Halvorson, **House Bill No. 1554**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Brady	Harmon	Meeks	Sieben

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Burzynski	Hendon	Millner	Sullivan
Clayborne	Holmes	Munoz	Syverson
Collins	Hultgren	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Jones, J.	Peterson	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

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.

On motion of Senator Schoenberg, **House Bill No. 1628**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Maloney	Rutherford
Bond	Halvorson	Martinez	Sandoval
Burzynski	Harmon	Meeks	Schoenberg
Clayborne	Hendon	Millner	Sieben
Collins	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Trotter
Dahl	Jacobs	Pankau	Viverito
Delgado	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

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 Demuzio, **House Bill No. 1648**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Rutherford
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Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Brady	Harmon	Meeks	Sieben
Burzynski	Hendon	Millner	Sullivan
Clayborne	Holmes	Munoz	Syverson
Collins	Hultgren	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Jones, J.	Peterson	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

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 Collins, **House Bill No. 1662**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Ronen
Bond	Halvorson	Maloney	Rutherford
Brady	Harmon	Martinez	Sandoval
Clayborne	Hendon	Meeks	Schoenberg
Collins	Holmes	Millner	Sieben
Crotty	Hultgren	Munoz	Sullivan
Cullerton	Hunter	Murphy	Syverson
Dahl	Jacobs	Noland	Trotter
Delgado	Jones, J.	Pankau	Viverito
Demuzio	Koehler	Peterson	Watson
Dillard	Kotowski	Radogno	Wilhelmi
Forby	Lauzen	Raoul	Mr. President
Frerichs	Lightford	Righter	

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.

On motion of Senator Jacobs, **House Bill No. 1670**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Brady	Harmon	Meeks	Sieben
Burzynski	Hendon	Millner	Sullivan
Clayborne	Holmes	Munoz	Syverson
Collins	Hultgren	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Jones, J.	Peterson	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

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 Dillard, **House Bill No. 1900**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Ronen
Bomke	Haine	Maloney	Rutherford
Bond	Halvorson	Martinez	Sandoval
Brady	Harmon	Meeks	Schoenberg
Clayborne	Hendon	Millner	Sieben
Collins	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Trotter
Dahl	Jacobs	Pankau	Viverito
Delgado	Koehler	Peterson	Watson
Demuzio	Kotowski	Radogno	Wilhelmi
Dillard	Lauzen	Raoul	Mr. President
Forby	Lightford	Righter	
Frerichs	Link	Risinger	

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.

#### HOUSE BILL RECALLED

On motion of Senator Hultgren, **House Bill No. 3091** was recalled from the order of third reading to the order of second reading.

Senator Hultgren offered the following amendment and moved its adoption:

[May 28, 2007]

**AMENDMENT NO. 1 TO HOUSE BILL 3091**

AMENDMENT NO. 1. Amend House Bill 3091, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 8-11-6a and by adding Section 8-11-6c as follows:

(65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

Sec. 8-11-6a. Home rule municipalities; preemption of certain taxes. Except as provided in Sections 8-11-1, 8-11-5, 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September 1, 1990, no home rule municipality has the authority to impose, pursuant to its home rule authority, a retailer's occupation tax, service occupation tax, use tax, sales tax or other tax on the use, sale or purchase of tangible personal property based on the gross receipts from such sales or the selling or purchase price of said tangible personal property. Notwithstanding the foregoing, this Section does not preempt any home rule imposed tax such as the following: (1) a tax on alcoholic beverages, whether based on gross receipts, volume sold or any other measurement; (2) a tax based on the number of units of cigarettes or tobacco products (provided, however, that a home rule municipality that has not imposed a tax based on the number of units of cigarettes or tobacco products before July 1, 1993, shall not impose such a tax after that date); (3) a tax, however measured, based on the use of a hotel or motel room or similar facility; (4) a tax, however measured, on the sale or transfer of real property; (5) a tax, however measured, on lease receipts; (6) a tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on premise consumption of said food or alcoholic beverages; or (7) other taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property. This Section is not intended to affect any existing tax on food and beverages prepared for immediate consumption on the premises where the sale occurs, or any existing tax on alcoholic beverages, or any existing tax imposed on the charge for renting a hotel or motel room, which was in effect January 15, 1988, or any extension of the effective date of such an existing tax by ordinance of the municipality imposing the tax, which extension is hereby authorized, in any non-home rule municipality in which the imposition of such a tax has been upheld by judicial determination, nor is this Section intended to preempt the authority granted by Public Act 85-1006. This Section is a limitation, pursuant to subsection (g) of Section 6 of Article VII of the Illinois Constitution, on the power of home rule units to tax.

(Source: P.A. 93-1053, eff. 1-1-05.)

(65 ILCS 5/8-11-6c new)

Sec. 8-11-6c. Home Rule food and beverage tax to support parking facilities.

(a) In addition to any other tax that it is authorized to impose, a home rule municipality that has not imposed a tax under Section 8-11-1 or 8-11-5 may impose a tax, as limited by this Section, on the gross receipts from the sale of alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption.

(b) If imposed, the tax may be imposed only for a defined and limited period of time and must be limited to a defined geographic area within the municipality. The defined geographic area must be a contiguous area of no more than one square mile. The tax may be imposed only in 0.25% increments, and the rate of tax may not exceed 2%. At the time that the ordinance imposing the tax is adopted, the municipality must have obtained the certified written consent of at least three-fourths of the operators of the businesses upon which the tax will be imposed. This tax may not be imposed for longer than 25 years after the municipality first levies the tax.

(c) The municipality must maintain the proceeds of the tax in a separate account and may use those moneys only for the costs associated with land acquisition, design, construction, and maintenance of parking facilities within the defined geographic area.

(d) The tax shall be administered by the municipality imposing it.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

[May 28, 2007]

On motion of Senator Hultgren, **House Bill No. 3091**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 33; Nays 15; Present 2.

The following voted in the affirmative:

Althoff	Harmon	Millner	Rutherford
Brady	Hendon	Munoz	Sieben
Collins	Hultgren	Murphy	Syverson
Crotty	Jacobs	Noland	Viverito
Cullerton	Koehler	Peterson	Watson
Dahl	Link	Radogno	Wilhelmi
Dillard	Luechtefeld	Raoul	
Frerichs	Maloney	Righter	
Haine	Martinez	Risinger	

The following voted in the negative:

Bond	Forby	Kotowski	Sullivan
Burzynski	Garrett	Pankau	Trotter
Clayborne	Holmes	Ronen	Mr. President
Demuzio	Hunter	Schoenberg	

The following voted present:

Delgado  
Lauzen

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.

### HOUSE BILL RECALLED

On motion of Senator Crotty, **House Bill No. 1775** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Human Services.

Senator Crotty offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 1775

AMENDMENT NO. 2. Amend House Bill 1775 by replacing lines 20 through 23 on page 1 and lines 1 through 4 on page 2 with the following:

"(2) that the establishment is under the supervision of a full-time director who is at least 21 years of age and has a high school diploma or equivalent plus either:

(A) 2 years of management experience or 2 years of experience in positions of progressive responsibility in health care, housing with services, or adult day care or providing similar services to the elderly; or

(B) 2 years of management experience or 2 years of experience in positions of progressive responsibility in hospitality and training in health care and housing with services management as defined by rule ~~with ability~~."

The motion prevailed.

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And the amendment was adopted and ordered printed.  
There being no further amendments, the bill, as amended, was ordered to a third reading.

### READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Crotty, **House Bill No. 1775**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg
Brady	Harmon	Meeks	Sieben
Burzynski	Hendon	Millner	Sullivan
Clayborne	Holmes	Munoz	Syverson
Collins	Hultgren	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Jones, J.	Peterson	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

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.

### EXCUSED FROM ATTENDANCE

On motion of Senator Halvorson, Senator Silverstein was excused from attendance due to business in his district.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 3490**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Bond	Halvorson	Martinez	Schoenberg

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Brady	Harmon	Meeks	Sieben
Burzynski	Hendon	Millner	Sullivan
Clayborne	Holmes	Munoz	Syverson
Collins	Hultgren	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Jones, J.	Peterson	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	
Frerichs	Link	Ronen	

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 Amendments adopted thereto.

On motion of Senator Haine, **House Bill No. 3512**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Ronen
Bond	Halvorson	Maloney	Rutherford
Brady	Harmon	Martinez	Sandoval
Burzynski	Hendon	Meeks	Schoenberg
Clayborne	Holmes	Millner	Sieben
Collins	Hultgren	Munoz	Sullivan
Crotty	Hunter	Murphy	Syverson
Dahl	Jacobs	Noland	Trotter
Delgado	Jones, J.	Pankau	Viverito
Demuzio	Koehler	Peterson	Watson
Dillard	Kotowski	Radogno	Wilhelmi
Forby	Lauzen	Raoul	Mr. President
Frerichs	Lightford	Righter	

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 Harmon, **House Bill No. 3588**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

[May 28, 2007]



Althoff	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Rutherford
Bond	Halvorson	Maloney	Sandoval
Brady	Harmon	Martinez	Schoenberg
Burzynski	Hendon	Meeks	Sieben
Clayborne	Holmes	Millner	Sullivan
Collins	Hultgren	Munoz	Syverson
Crotty	Hunter	Murphy	Trotter
Dahl	Jacobs	Noland	Viverito
Delgado	Jones, J.	Pankau	Watson
Demuzio	Koehler	Peterson	Wilhelmi
Dillard	Kotowski	Radogno	Mr. President
Forby	Lauzen	Raoul	
Frerichs	Lightford	Righter	

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.

On motion of Senator Kotowski, **House Bill No. 3618**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Luechtefeld	Rutherford
Bond	Halvorson	Maloney	Sandoval
Brady	Harmon	Martinez	Schoenberg
Burzynski	Hendon	Meeks	Sieben
Clayborne	Holmes	Millner	Sullivan
Collins	Hultgren	Munoz	Syverson
Crotty	Hunter	Murphy	Trotter
Dahl	Jacobs	Pankau	Viverito
Delgado	Jones, J.	Peterson	Watson
Demuzio	Koehler	Radogno	Wilhelmi
Dillard	Kotowski	Raoul	Mr. President
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

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.

Senator Noland asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 3618**.

On motion of Senator Trotter, **House Bill No. 3627**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 28, 2007]

Yeas 49; Nays 4; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Halvorson	Martinez	Sieben
Brady	Harmon	Meeks	Sullivan
Clayborne	Hendon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Crotty	Hunter	Noland	Viverito
Dahl	Jacobs	Peterson	Watson
Delgado	Jones, J.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Dillard	Kotowski	Risinger	
Forby	Lightford	Ronen	
Frerichs	Link	Rutherford	

The following voted in the negative:

Burzynski	Lauzen
Hultgren	Murphy

The following voted present:

Pankau

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 Althoff, **House Bill No. 3678**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Link	Ronen
Bomke	Haine	Luechtefeld	Rutherford
Bond	Halvorson	Maloney	Sandoval
Brady	Harmon	Martinez	Schoenberg
Burzynski	Hendon	Meeks	Sieben
Clayborne	Holmes	Millner	Sullivan
Collins	Hultgren	Munoz	Syverson
Crotty	Hunter	Murphy	Trotter
Dahl	Jacobs	Noland	Viverito
Delgado	Jones, J.	Pankau	Watson
Demuzio	Koehler	Peterson	Wilhelmi
Dillard	Kotowski	Radogno	Mr. President
Forby	Lauzen	Righter	
Frerichs	Lightford	Risinger	

[May 28, 2007]

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.

At the hour of 7:12 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, May 29, 2007, at 10:00 o'clock a.m.