



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**81ST LEGISLATIVE DAY**

**FRIDAY, AUGUST 3, 2007**

**11:56 O'CLOCK A.M.**

**SENATE  
Daily Journal Index  
81st Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Terry Link, Waukegan, Illinois, presiding.  
 Prayer by Senator Reverend David Koehler.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, August 2, 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.

### **REPORT RECEIVED**

The Secretary placed before the Senate the following report:

Illinois Certification Testing System Basic Skills Pass Rate Summary, Initial & Cumulative, Program Year June 2005-April 2006, submitted by the Illinois State Board of Education.

The foregoing report was ordered received and placed on file in the Secretary's Office.

### **LEGISLATIVE MEASURE FILED**

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

Senate Floor Amendment No. 3 to House Bill 699

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 321**

Offered by Senator Sandoval and all Senators:  
 Mourns the death of Nancy Lopez DeLise.

#### **SENATE RESOLUTION 322**

Offered by Senator Clayborne and all Senators:  
 Mourns the death of Roger D. Barfield, Sr.

#### **SENATE RESOLUTION 323**

Offered by Senator Hunter and all Senators:  
 Mourns the death of Mary Waller.

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

### **MESSAGES FROM THE HOUSE**

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

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. 591

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. 591

House Amendment No. 2 to SENATE BILL NO. 591

[August 3, 2007]

Passed the House, as amended, August 2, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 591**

AMENDMENT NO. 1. Amend Senate Bill 591 as follows:

by replacing page 5, line 21 through page 7, line 20 with the following:

"No later than July 1, 2008, the Department's case management program shall be transitioned to a fully integrated care coordination program. The care coordination program shall be voluntary and require the written consent of the client, shall incorporate the concepts of client direction and consumer focus, and shall take into account the client's needs and preferences. Implementation of a care plan shall require the written informed consent of the client, who shall retain the right to refuse any or all portions of the care plan. Information about the program, including an explanation of its purpose, policies, and procedures, and a description of available services that may be offered shall be provided to the client. Comprehensive care coordination shall include activities such as: (1) comprehensive assessment of the client; (2) development and implementation of a service plan with the client to mobilize the formal and family resources and services identified in the assessment to meet the needs of the client, including coordination of the resources and services with (A) any other plans that exist for various formal services, such as hospital discharge plans, and (B) the information and assistance services; (3) coordination and monitoring of formal and family service delivery, regardless of the funding source, including coordination and monitoring to ensure that services specified in the plan are being provided; (4) assistance with the completion of applications for services, referrals to non-government funded services, health promotion, and ensuring continuity of care across care settings; (5) periodic reassessment and revision of the status of the client with the client or, if necessary, the client's designated representative; and (6) in accordance with the wishes of the client, advocacy on behalf of the client for needed services or resources. The provisions of this paragraph are in addition to and shall not affect other eligibility requirements established under this Section.

A comprehensive assessment shall be performed, with the consent of the client, using a holistic tool identified by the Department and supported by an electronic intake assessment and care planning system linked to a central location. The comprehensive assessment process shall include a face to face interview in the client's home or temporary overnight abode and shall determine the level of physical, functional, cognitive, psycho-social, financial, and social needs of the client. Assessment interviews shall accommodate the scheduling needs of the client and the client's representative or representatives, who shall participate at the discretion of the client. The Department shall provide, by administrative rule, guidelines for determining the conditions under which a comprehensive assessment shall be performed, including policies and procedures for obtaining the written, informed consent of the client for conducting the assessment, and the activities of care coordination offered to each care recipient. The care plan shall include the needs identified by the assessment and incorporate the goals and preferences of the client. Care plans shall also include all services needed by the client regardless of the funding source and delineate between services provided, services unavailable, and services refused by the client. The Department shall establish policies and procedures for investigating and resolving complaints that may be filed by clients or their representatives regarding assessments or care coordination. Case coordination units shall be reimbursed for care coordination in a just and equitable manner reflective of the actual cost of providing care coordination. By January 1, 2008, the Department shall develop a rate structure, in collaboration with case coordination units and advocates for care recipients, that reflects the activities of coordination provided. The Department shall re-evaluate the rate structure by July 2010. The provisions of this paragraph are in addition to and shall not affect other eligibility requirements established under this Section."

**AMENDMENT NO. 2 TO SENATE BILL 591**

AMENDMENT NO. 2. Amend Senate Bill 591 as follows:

on page 1, line 5, by replacing "4.02" with "4.02, 4.03, 4.04,"; and

on page 13, immediately below line 19, by inserting the following:

"(20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

Sec. 4.03. The Department on Aging, in cooperation with the Department of Human Services and any

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other appropriate State, local or federal agency, shall, without regard to income guidelines, establish a nursing home prescreening program to determine whether Alzheimer's Disease and related disorders victims, and persons who are deemed as blind or disabled as defined by the Social Security Act and who are in need of long term care, may be satisfactorily cared for in their homes through the use of home and community based services. Case coordination units under contract with the Department may charge a fee for the prescreening provided under this Section and the fee shall be no greater than the cost of such services to the case coordination unit. At the time of each prescreening, case coordination units shall provide information regarding the Office of State Long Term Care Ombudsman's Residents Right to Know database as authorized in subsection (c-5) of Section 4.04.

(Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97.)

(20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

Sec. 4.04. Long Term Care Ombudsman Program.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

(i) Enter any long term care facility or assisted living or shared housing establishment or supportive living facility;

(ii) Communicate privately and without restriction with any resident who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident;

(iv) Inspect the clinical and other records of a resident with the express written consent of the resident;

(v) Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of a regional long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman and shall include a system of designated regional long term care ombudsman programs. Each regional program shall be designated by the State Long Term Care Ombudsman as a subdivision of the Office and any representative of a regional program shall be treated as a representative of the Office.

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments relating to actions, inaction, or decisions of providers, or their representatives, of long term care facilities, of supported living facilities, of assisted living and shared housing

establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department, in consultation with the Office, shall cooperate with the Department of Human Services in providing information and training to designated regional long term care ombudsman programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of persons with mental illness (other than Alzheimer's disease and related disorders).

The State Long Term Care Ombudsman and all other ombudsmen, as defined in paragraph (3.1) of subsection (b) must submit to background checks under the Health Care Worker Background Check Act and receive training, as prescribed by the Illinois Department on Aging, before visiting facilities. The training must include information specific to assisted living establishments, supportive living facilities, and shared housing establishments and to the rights of residents guaranteed under the corresponding Acts and administrative rules.

(c-5) Consumer Choice Information Reports. The Office shall:

(1) In collaboration with the Attorney General, create a Consumer Choice Information Report form to be completed by all licensed long term care facilities and assisted living or shared housing establishments to aid Illinoisans and their families in making informed choices about long term care. The Office shall create a Consumer Choice Information Report for each type of licensed long term care facility and assisted living or shared housing establishment.

(2) Develop a database of Consumer Choice Information Reports completed by licensed long term care facilities and assisted living or shared housing establishments that includes information in the following consumer categories:

(A) Medical Care, Services, and Treatment.

(B) Special Services and Amenities.

(C) Staffing.

(D) Facility Statistics and Resident Demographics.

(E) Ownership and Administration.

(F) Safety and Security.

(G) Meals and Nutrition.

(H) Rooms, Furnishings, and Equipment.

(I) Family, Volunteer, and Visitation Provisions.

(3) Make this information accessible to the public, including on the Internet by means of a hyperlink labeled "Resident's Right to Know" on the Office's World Wide Web home page.

(4) Have the authority, with the Attorney General, to verify that information provided by a facility or establishment is accurate.

(5) Request a new report from any licensed facility or establishment whenever it deems necessary.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, supportive living facility, assisted living establishment, and shared housing establishment must:

(i) permit immediate access to any resident by a designated ombudsman; and

(ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department, in consultation with the Office, in administrative rules, to the resident's records.

(2) Each long term care facility, supportive living facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and residents and in an easily readable format, the address and phone number of the Office of the Long Term Care Ombudsman, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

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## (f) Business offenses.

(1) No person shall:

(i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or

(ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense, punishable by a fine not to exceed \$501.

(3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, witness, or employee of a long term care provider unless:

(1) the complainant, resident, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 93-241, eff. 7-22-03; 93-878, eff. 1-1-05.); and

on page 14, immediately below line 15, by inserting the following:

"Section 7. The Assisted Living and Shared Housing Act is amended by adding Section 117 as follows:

(210 ILCS 9/117 new)

Sec. 117. Consumer Choice Information Reports.(a) Every establishment shall complete a Consumer Choice Information Report and shall file it with the Office of State Long Term Care Ombudsman electronically as prescribed by the Office. The Report shall be filed annually and upon request of the Office of State Long Term Care Ombudsman. The Consumer Choice Information Report must be completed by the establishment in full.(b) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section.(c) The Department of Public Health shall include verification of the submission of an establishment's current Consumer Choice Information Report when conducting annual on-site visit under Section 110.(d) Assisted living and shared housing establishments are subject to this Section beginning 6 months after the effective date of this amendatory Act of the 95th General Assembly.

Section 8. The Nursing Home Care Act is amended by changing Sections 3-210 and 3-212 and by adding Section 2-214 as follows:

(210 ILCS 45/2-214 new)

Sec. 2-214. Consumer Choice Information Reports.(a) Every facility shall complete a Consumer Choice Information Report and shall file it with the

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Office of State Long Term Care Ombudsman electronically as prescribed by the Office. The Report shall be filed annually and upon request of the Office of State Long Term Care Ombudsman. The Consumer Choice Information Report must be completed by the facility in full.

(b) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section.

(c) The Department of Public Health shall include verification of the submission of a facility's current Consumer Choice Information Report when conducting an inspection pursuant to Section 3-212.

(210 ILCS 45/3-210) (from Ch. 111 1/2, par. 4153-210)

Sec. 3-210. A facility shall retain the following for public inspection:

(1) A complete copy of every inspection report of the facility received from the Department during the past 5 years;

(2) A copy of every order pertaining to the facility issued by the Department or a court during the past 5 years;

(3) A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;

(4) A copy of the statement of ownership required by Section 3-207;

(5) A record of personnel employed or retained by the facility who are licensed, certified or registered by the Department of Professional Regulation; and

(6) A complete copy of the most recent inspection report of the facility received from the Department.

(7) A copy of the current Consumer Choice Information Report required by Section 2-214.

(Source: P.A. 85-1209)

(210 ILCS 45/3-212) (from Ch. 111 1/2, par. 4153-212)

Sec. 3-212. Inspection.

(a) The Department, whenever it deems necessary in accordance with subsection (b), shall inspect, survey and evaluate every facility to determine compliance with applicable licensure requirements and standards. Submission of a facility's current Consumer Choice Information Report required by Section 2-214 shall be verified at time of inspection. An inspection should occur within 120 days prior to license renewal. The Department may periodically visit a facility for the purpose of consultation. An inspection, survey, or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced. The Department shall provide training to surveyors about the appropriate assessment, care planning, and care of persons with mental illness (other than Alzheimer's disease or related disorders) to enable its surveyors to determine whether a facility is complying with State and federal requirements about the assessment, care planning, and care of those persons.

(a-1) An employee of a State or unit of local government agency charged with inspecting, surveying, and evaluating facilities who directly or indirectly gives prior notice of an inspection, survey, or evaluation, other than an inspection of financial records, to a facility or to an employee of a facility is guilty of a Class A misdemeanor.

An inspector or an employee of the Department who intentionally prenotifies a facility, orally or in writing, of a pending complaint investigation or inspection shall be guilty of a Class A misdemeanor. Superiors of persons who have prenotified a facility shall be subject to the same penalties, if they have knowingly allowed the prenotification. A person found guilty of prenotifying a facility shall be subject to disciplinary action by his or her employer.

If the Department has a good faith belief, based upon information that comes to its attention, that a violation of this subsection has occurred, it must file a complaint with the Attorney General or the State's Attorney in the county where the violation took place within 30 days after discovery of the information.

(a-2) An employee of a State or unit of local government agency charged with inspecting, surveying, or evaluating facilities who willfully profits from violating the confidentiality of the inspection, survey, or evaluation process shall be guilty of a Class 4 felony and that conduct shall be deemed unprofessional conduct that may subject a person to loss of his or her professional license. An action to prosecute a person for violating this subsection (a-2) may be brought by either the Attorney General or the State's Attorney in the county where the violation took place.

(b) In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility the Department shall consider one or more of the following: previous inspection reports; the facility's history of compliance with standards, rules and regulations promulgated under this Act and correction of violations, penalties or other enforcement actions; the number and severity of complaints received about the facility; any allegations of resident abuse or

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neglect; weather conditions; health emergencies; other reasonable belief that deficiencies exist.

(b-1) The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid program under Title XIX of the Social Security Act, and which the Department determines by inspection under this Section or under Section 3-702 of this Act to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of this Act that is less stringent than or duplicates a federal certification requirement. In accordance with subsection (a) of this Section or subsection (d) of Section 3-702, the Department shall determine whether a certified facility is in compliance with requirements of this Act that exceed federal certification requirements. If a certified facility is found to be out of compliance with federal certification requirements, the results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act may be used as the basis for enforcement remedies authorized and commenced under this Act. Enforcement of this Act against a certified facility shall be commenced pursuant to the requirements of this Act, unless enforcement remedies sought pursuant to Title XVIII or XIX of the Social Security Act exceed those authorized by this Act. As used in this subsection, "enforcement remedy" means a sanction for violating a federal certification requirement or this Act.

(c) Upon completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office of the Department. Such report and any recommendations for action by the Department under this Act shall be transmitted to the appropriate offices of the associate director of the Department, together with related comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report. Without affecting the application of subsection (a) of Section 3-303, any documentation or comments of the licensee shall be provided within 10 days of receipt of the copy of the report. Such report shall recommend to the Director appropriate action under this Act with respect to findings against a facility. The Director shall then determine whether the report's findings constitute a violation or violations of which the facility must be given notice. Such determination shall be based upon the severity of the finding, the danger posed to resident health and safety, the comments and documentation provided by the facility, the diligence and efforts to correct deficiencies, correction of the reported deficiencies, the frequency and duration of similar findings in previous reports and the facility's general inspection history. Violations shall be determined under this subsection no later than 60 days after completion of each inspection, survey and evaluation.

(d) The Department shall maintain all inspection, survey and evaluation reports for at least 5 years in a manner accessible to and understandable by the public.

(Source: P.A. 91-799, eff. 6-13-00; 92-209, eff. 1-1-02.)"; and

on page 22, immediately below line 5, by inserting the following:

"Section 15. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2ZZ as follows:

(815 ILCS 505/2ZZ new)

Sec. 2ZZ. Long term care facility or assisted living or shared housing establishment; Consumer Choice Information Report. A long term care facility that fails to comply with Section 2-214 of the Nursing Home Care Act, or an assisted living or shared housing establishment that fails to comply with Section 117 of the Assisted Living and Shared Housing Act, commits an unlawful practice within the meaning of this Act."

Under the rules, the foregoing **Senate Bill No. 591**, 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. 844

A bill for AN ACT concerning education.

[August 3, 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. 844  
Passed the House, as amended, August 2, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 844**

AMENDMENT NO. 1. Amend Senate Bill 844 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12a as follows:  
(105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

Sec. 10-20.12a. Tuition for non-resident pupils. To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year. Non-resident pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.

Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 in a residential program designed to correct alcohol or other drug dependencies shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district of the student's residence to the district wherein the facility is located no less than once per month, unless otherwise agreed to by the parties. The funding provision in this paragraph applies to all Illinois students receiving educational services, whether placed pursuant to this Code or the Juvenile Court Act of 1987, by court order, or by a State agency or whether the student voluntarily enrolls or is enrolled by a parent or guardian. Nothing in this Section shall be construed to relieve the district of the student's residence of financial responsibility based on the manner in which the student was placed at the facility. Subsections (b), (c), (c-5), (d), (e), (f), and (g) of Section 10-20.12b of this Code do not apply to Illinois students placed, through whatever means, at a residential program designed to correct alcohol or other drug dependencies. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in a treatment facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.  
(Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Section 5-710 as follows:  
(705 ILCS 405/5-710)

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

(i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Juvenile Justice under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

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(iv) placed in the guardianship of the Department of Children and Family Services, but only if the delinquent minor is under 13 years of age;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Juvenile Justice under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Juvenile Justice shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Juvenile Justice may provide for protective supervision under Section 5-725 and may include an order of protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code. Notwithstanding any other provision

of this Act, in instances in which educational services are to be provided to a minor in a residential program designed to correct alcohol or other drug dependencies, costs incurred in the provision of those services must be allocated based on the requirements of Section 10-20.12a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Juvenile Justice for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Juvenile Justice, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Juvenile Justice. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

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

Under the rules, the foregoing **Senate Bill No. 844**, with House Amendment No. 1, was referred to the Secretary's Desk.

[August 3, 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 858

A bill for AN ACT concerning education.

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. 858

Passed the House, as amended, August 2, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 858**

AMENDMENT NO. 1. Amend Senate Bill 858 on page 6, immediately below line 18, by inserting the following:

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

Under the rules, the foregoing **Senate Bill No. 858**, 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 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. 119

A bill for AN ACT concerning regulation.

Passed the House, August 2, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 119** was taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 211

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. 211

Passed the House, as amended, August 3, 2007.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 211**

AMENDMENT NO. 1. Amend Senate Bill 211 by replacing everything after the enacting clause with the following:

"Section 5. "An Act to authorize the Department of Transportation to convey certain parcels of land herein described", approved August 16, 1982, Public Act 82-927, is amended by changing the Preamble and Sections 2-1 and 2-2 as follows:

[August 3, 2007]

(Public Act 82-927, Preamble)

PREAMBLE TO ARTICLE I

WHEREAS, in connection with the construction of FA Route 55, the People of the State of Illinois acting by and through the Department of Transportation acquired the lands described in Section 1-1 of this Act and the rights or easements of access, crossing, light, air and view, to, from or over a portion of the lands described in Section 1-1 of this Act, from Erwin H. Runkwitz, Jr. and Georganna Runkwitz; and

WHEREAS, the Department has abandoned plans to improve FA Route 55 as a Freeway highway facility and no longer has any need or use now or in the future for either the lands or the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 1-1 of this Act; and

WHEREAS, First Bank and Trust Company of O'Fallon Illinois, as Trustee under the Louis Klotz Family Trust #426, and Hilda Klotz individually are the owners, each to an undivided one-half interest of the land adjacent to the lands described in Section 1-1 of this Act and have offered to pay the current appraised value of \$18,300 for the lands described in Section 1-1 of this Act; therefore

PREAMBLE TO ARTICLE II

WHEREAS, in connection with the construction of a Rest Area, the People of the State of Illinois, acting by and through the Department of Transportation, acquired the lands described in Section 2-1 of this Act and the rights or easements of access, crossing, light, air and view, to, from or over the lands described in Section 2-1 of this Act, from Ina C. Jordan, et al; and

WHEREAS, the Department has closed the Rest Area as a highway facility and no longer has any need or use now or in the future for the lands described in Section 2-1 of this Act; and

WHEREAS, The Village of Oswego, Illinois, is desirous of acquiring the lands described in Section 2-1 of this Act ~~to be used by the Village for public purposes~~ and has agreed to pay the State the nominal consideration of \$1; therefore

(Source: P. A. 82-927.)

(Public Act 82-927, Sec. 2-1)

Sec. 2-1. Upon payment of the sum of \$1 to the State of Illinois and subject to the conditions set forth in ~~Section 2-2 and~~ Article III of this Act, the Secretary of the Department of Transportation is authorized to convey by Quitclaim Deed all right, title and interest in the following described land in Kendall County, Illinois, to the Village of Oswego, Illinois.

Parcel 3W00036

A part of the Southeast Quarter of Section 9, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of said Section 9; thence South 89 degrees 29' East 1,316.0 feet; thence South 2,648.0 feet; thence South 89 degrees 34' East, 237.0 feet; thence South 0 degrees 06' East, 446.5 feet; thence South 89 degrees 28' East, 1,620.0 feet; thence South 0 degrees 42' West, 1,140.3 feet to the centerline of Waubensee Creek for a Point of Beginning; thence continuing along the last described course, 898.70 feet to a concrete right of way marker; thence continuing along the last described course, 43.50 feet to a point in the centerline of U.S. Route 34; thence northeasterly along the said centerline on a curve to the left having a radius of 3,243.29 feet, 468.5 feet, more or less, to a point in the centerline of Waubensee Creek; thence northwesterly along the centerline of Waubensee Creek to the Point of Beginning, all in Oswego Township, Kendall County, Illinois, except that part lying within the existing right of way of U.S. Route 34. Containing therein 3.845 acres, more or less.

(Source: P. A. 82-927.)

(Public Act 82-927, Sec. 2-2)

Sec. 2-2. The Village of Oswego may sell the land described in Section 2-1 of this Act and shall use the proceeds of any such sale for public purposes ~~It is understood and agreed that in the event that the Village of Oswego ceases to occupy and use, in whole or in part, the land described in Section 2-1 of this Act, for a public use, the Village shall upon demand execute and deliver an instrument returning and vesting title thereof to the State of Illinois, Department of Transportation.~~

(Source: P. A. 82-927.)

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

Under the rules, the foregoing **Senate Bill No. 211**, with House Amendment No. 1, was referred to the Secretary's Desk.

[August 3, 2007]

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION 301**

Offered by Senator Raoul and all Senators:  
Mourns the death of Rufus Williams, Sr., of Chicago.

**SENATE RESOLUTION 302**

Offered by Senator Haine and all Senators:  
Mourns the death of Agnes Helmkamp of Edwardsville.

**SENATE RESOLUTION 303**

Offered by Senator Haine and all Senators:  
Mourns the death of Fred Ufert of Wood River.

**SENATE RESOLUTION 304**

Offered by Senator Dillard and all Senators:  
Mourns the death of Royal Walter Lauing of Naperville.

**SENATE RESOLUTION 305**

Offered by Senator Dillard and all Senators:  
Mourns the death of Roz Simon of Chicago.

**SENATE RESOLUTION 307**

Offered by Senator Righter and all Senators:  
Mourns the death of Tommy K. Martin of Tuscola.

**SENATE RESOLUTION 308**

Offered by Senator Link and all Senators:  
Mourns the death of John Della Valle of Waukegan.

**SENATE RESOLUTION 311**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Ronald D. Fruland of Newark.

**SENATE RESOLUTION 312**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Jeffrey T. Meyers of Naperville.

**SENATE RESOLUTION 313**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Thomas G. Scullen of Appleton, Wisconsin, formerly of Aurora.

**SENATE RESOLUTION 314**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Georgia Ann Gonzales of North Chicago.

**SENATE RESOLUTION 315**

Offered by Senator Koehler and all Senators:  
Mourns the death of Les Carl of Canton.

**SENATE RESOLUTION 316**

Offered by Senator Koehler and all Senators:  
Mourns the death of William Patterson of Canton.

**SENATE RESOLUTION 317**

Offered by Senator Koehler and all Senators:  
Mourns the death of Ronald E. Ghidina of Peoria.

**SENATE RESOLUTION 318**

Offered by Senator Haine and all Senators:  
Mourns the death of Joseph Wannamaker of Godfrey.

**SENATE RESOLUTION 319**

Offered by Senator Koehler and all Senators:  
Mourns the death of Mildred Arends of Peoria.

**SENATE RESOLUTION 320**

Offered by Senators Viverito – E. Jones and all Senators:  
Mourns the death of Antoinetta Frega of Riverside.

**SENATE RESOLUTION 321**

Offered by Senator Sandoval and all Senators:  
Mourns the death of Nancy Lopez DeLise.

**SENATE RESOLUTION 322**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Roger D. Barfield, Sr.

**SENATE RESOLUTION 323**

Offered by Senator Hunter and all Senators:  
Mourns the death of Mary Waller.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

At the hour of 12:04 o'clock p.m., the Chair announced that the Senate stand adjourned until Saturday, August 4, 2007, at 9:00 o'clock a.m.