

State of Illinois
OFFICE OF THE GOVERNOR
207 State Capitol, Springfield, Illinois 62706

August 26, 2003

To the Honorable Members of the
Illinois Senate
93rd General Assembly

This groundbreaking legislation will make available to Illinois' citizens medical equipment proven to save lives. I support the intent of the legislation; however, there are several changes that I am recommending in order to ensure that the intent is fulfilled.

The language I am recommending provides a clearer definition of physical fitness facilities required to comply; the current bill would apply to venues beyond the intended scope, like churches and wellness centers. The recommended language also provides that these protections are available to citizens living in home rule units, like the City of Chicago. The recommended language provides for stronger enforcement by increasing the penalties for violations in an effort to encourage compliance.

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 777, entitled "AN ACT in relation to health, which may be known as the Colleen O'Sullivan Law", with the following specific recommendations for change:

on page 2, line 1, after "government", by inserting ", including a home rule unit,";
and

on page 2, by replacing lines 15 through 20 with the following:
"provides services or facilities focusing primarily on cardiovascular exertion as defined by Department rule.

(b) "Physical fitness facility" does not include a facility serving less than a total of 100 individuals, as further defined by Department rule. In addition, the term does not include a"; and

on page 2, by replacing line 26 with the following:

"(a) Before January 1, 2005, each person or entity, including a home rule unit, that"; and

on page 3, line 4, after "entity", by inserting ", including a home rule unit,"; and

on page 4, by deleting lines 1 through 12.

on page 4, by replacing lines 24 through 32 with the following:
“subsection (a) or (b) of Section 15, the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility’s remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:

- (1) At least \$1,500 but less than \$2,000 for a second violation.
- (2) At least \$2,000 for a third or subsequent violation.

(b) The Director may impose a civil monetary penalty under this”; and

on page 5, below line 16, by inserting the following:

“(d) The fines shall be deposited into the Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act.”; and

on page 6, after line 20 by adding the following:

Section 55. Home rule. A home rule unit must comply with the requirements of this Act. A home rule unit may not regulate physical fitness facilities in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 75. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Physical Fitness Facility Medical Emergency Preparedness Fund.”; and

by deleting page 6, line 28 through page 46, line 6.

With these changes, Senate Bill 777 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor