



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

103RD LEGISLATIVE DAY

THURSDAY, APRIL 29, 2004

11:15 O'CLOCK A.M.

SENATE
Daily Journal Index
103rd Legislative Day

Action	Page(s)
EXECUTIVE SESSION	50
Introduction of Senate Bill No. 3377	73
Legislative Measures Filed	4
Message from the Governor	71
Message from the President	71, 74
Message from the Secretary of State	5
Presentation of Senate Resolution No. 514	73
Presentation of Senate Joint Resolution No. 74	74
Resolutions Consent Calendar	74

Bill Number	Legislative Action	Page(s)
SB 2791	Recalled – Amendments	49
SB 2800	Second Reading	48
SB 3325	Third Reading	7
SB 3326	Third Reading	7
SB 3327	Third Reading	8
SB 3328	Third Reading	8
SB 3329	Third Reading	9
SB 3330	Third Reading	9
SB 3331	Third Reading	10
SB 3332	Third Reading	10
SB 3333	Third Reading	11
SB 3334	Third Reading	11
SB 3335	Third Reading	12
SB 3336	Third Reading	12
SB 3337	Third Reading	13
SB 3338	Third Reading	13
SB 3339	Third Reading	14
SB 3340	Third Reading	14
SB 3341	Third Reading	15
SB 3342	Third Reading	15
SB 3343	Third Reading	16
SB 3344	Third Reading	16
SB 3350	Third Reading	17
SB 3351	Third Reading	17
SB 3352	Third Reading	18
SB 3353	Third Reading	18
SB 3354	Third Reading	19
SB 3355	Third Reading	19
SB 3356	Third Reading	20
SB 3357	Third Reading	20
SB 3358	Third Reading	21
SB 3359	Third Reading	21
SB 3360	Third Reading	22
SB 3361	Third Reading	22
SB 3362	Third Reading	23
SB 3363	Third Reading	23
SB 3364	Third Reading	24
SB 3365	Third Reading	24
SB 3366	Third Reading	25
SB 3367	Third Reading	25

SB 3368	Third Reading	26
SB 3369	Third Reading	26
SJR 0074	Adopted	75
SR 0514	Committee on Rules	73
HB 0486	Second Reading	27
HB 1659	Second Reading	31
HB 1875	Second Reading	35
HB 3957	Second Reading	35
HB 3977	Second Reading	35
HB 4232	Second Reading	35
HB 4239	Second Reading	38
HB 4266	Third Reading	27
HB 4495	Second Reading	38
HB 4502	Second Reading	38
HB 4788	Second Reading	38
HB 4790	Second Reading	38
HB 4818	Second Reading	38
HB 4837	Second Reading	38
HB 4949	Second Reading	38
HB 4980	Second Reading	38
HB 5014	Second Reading	38
HB 5057	Second Reading	38
HB 5075	Second Reading	39
HB 5094	Second Reading	39
HB 5164	Second Reading	47
HB 5189	First Reading	7
HB 5823	Second Reading	47
HB 5889	Second Reading	48
HB 6706	Second Reading	48
HB 6906	Second Reading	48
HB 6954	Second Reading	48

The Senate met pursuant to adjournment.
Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois presiding.
Prayer by Bishop William Persell, Episcopal Church of Chicago, Chicago, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 28, 2004, was being read when on motion of Senator Maloney, 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 House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 3589
Senate Floor Amendment No. 1 to House Bill 4788
Senate Floor Amendment No. 1 to House Bill 6583

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 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. 5189

A bill for AN ACT in relation to public employee benefits.
Passed the House, April 28, 2004.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 5189** 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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 754

A bill for AN ACT relating to schools.
Which amendment is as follows:
Senate Amendment No. 2 to HOUSE BILL NO. 754
Concurred in by the House, April 28, 2004.

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 bills of the following titles, to-wit:

SENATE BILL NO. 1550

A bill for AN ACT in relation to education.

SENATE BILL NO. 2115

A bill for AN ACT with regard to schools.

SENATE BILL NO. 2124

A bill for AN ACT in relation to driving offenses.
Passed the House, April 28, 2004.

MARK MAHONEY, Clerk of the House

[April 29, 2004]

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706
217-782-2728

April 28, 2004

The Honorable Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of the Senate Rules 3-1 and 3-2, I hereby appoint Senator Donne Trotter as a member of the Senate Executive Appointments Committee, effective immediately.

Sincerely,
s/Emil Jones Jr.

cc: Senate Minority Leader Frank Watson

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State

April 28, 2004

Honorable Members
Illinois State Senate
93rd General Assembly
Springfield, IL 62706

Dear Members:

I am nominating Robert Lucid for Appointment to the Executive Inspector General for the Office of Secretary of State.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

To be Commissioner of the Executive Inspector General for the Office of the Secretary of State for a term ending December 31, 2007.

Robert Lucid
(Salaried)

If you have any questions please contact Dale Swinford, Director of Legislative Affairs.

Sincerely,
s/Jesse White
Secretary of State

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

[April 29, 2004]

REPORTS FROM STANDING COMMITTEES

Senator Link, Chairperson of the Committee on Revenue, to which was referred **House Bills numbered 4716, 4976, 4977, 4990, 5157, 5734 and 6691**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Link, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 3985**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Schoenberg, Chairperson of the Committee on State Government, to which was referred **House Bills numbered 4227, 4686, 5131, 6496, 6499, 6983, 7169, 7170, 7173, 7174, 7177, 7178, 7179, 7180 and 7181**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Schoenberg, Chairperson of the Committee on State Government, to which was referred **House Bill No. 4996**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills numbered 4055, 4302, 4720, 5011 and 6683**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills numbered 1959 and 6654**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to House Bill 649

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred **House Bills numbered 4176, 4450, 5025, 6618 and 6648**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred **House Bills numbered 4241 and 4851**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Ronen, Chairperson of the Committee on Labor and Commerce, to which was referred **Senate Resolution No. 487**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 487** was placed on the Secretary's Desk.

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills numbered 2981, 4057, 4218, 4410, 4989, 5891, 7029 and 7030**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

[April 29, 2004]

Senator Munoz, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills numbered 2028, 4200, 4283 and 4960**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Lightford, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills numbered 4652 and 5070**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5189, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Radogno, **Senate Bill No. 3325**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3326**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Harmon	Obama	Soden
Bomke	Hendon	Peterson	Sullivan, D.
Burzynski	Hunter	Petka	Sullivan, J.

[April 29, 2004]

Clayborne	Jacobs	Radogno	Trotter
Collins	Jones, J.	Righter	Viverito
Cronin	Jones, W.	Risinger	Walsh
Crotty	Lauzen	Ronen	Watson
Cullerton	Lightford	Roskam	Welch
DeLeo	Link	Rutherford	Winkel
Dillard	Luechtefeld	Sandoval	Wojcik
Forby	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	
Haine	Munoz	Silverstein	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3327**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3328**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.

[April 29, 2004]

Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3329**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3330**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter

[April 29, 2004]

Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3331**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3332**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.

[April 29, 2004]

Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3333**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Radogno, **Senate Bill No. 3334**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter

[April 29, 2004]

Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3335**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3336**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh

[April 29, 2004]

Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3337**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3338**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh

Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3339**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3340**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson

[April 29, 2004]

del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3341**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3342**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch

[April 29, 2004]

DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3343**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3344**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik

[April 29, 2004]

Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Shadid	
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	

The following voted in the negative:

Schoenberg

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3350**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Bomke	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	
Haine	Munoz	Silverstein	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3351**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh

[April 29, 2004]

Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3352**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3353**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Bomke	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch

[April 29, 2004]

DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	
Haine	Munoz	Silverstein	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3354**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3355**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch

[April 29, 2004]

DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3356**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3357**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik

[April 29, 2004]

Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3358**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Trotter, **Senate Bill No. 3359**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 52; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	

[April 29, 2004]

Garrett	Maloney	Shadid
Geo-Karis	Martinez	Sieben
Haine	Munoz	Silverstein

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 therein.

On motion of Senator Welch, **Senate Bill No. 3360**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3361**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President

[April 29, 2004]

Garrett	Maloney	Shadid
Geo-Karis	Martinez	Sieben

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 therein.

On motion of Senator Welch, **Senate Bill No. 3362**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3363**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	

[April 29, 2004]

Geo-Karis

Martinez

Sieben

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 therein.

On motion of Senator Welch, **Senate Bill No. 3364**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 52; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Trotter
Clayborne	Hendon	Petka	Viverito
Collins	Hunter	Radogno	Walsh
Cronin	Jacobs	Righter	Watson
Crotty	Jones, J.	Ronen	Welch
Cullerton	Jones, W.	Roskam	Winkel
del Valle	Lauzen	Rutherford	Wojcik
DeLeo	Lightford	Sandoval	Mr. President
Dillard	Link	Shadid	
Forby	Luechtefeld	Sieben	
Garrett	Maloney	Silverstein	
Geo-Karis	Martinez	Soden	

The following voted present:

Schoenberg

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 therein.

On motion of Senator Welch, **Senate Bill No. 3365**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel

[April 29, 2004]

Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3366**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Rutherford	Winkel
DeLeo	Lightford	Sandoval	Wojcik
Dillard	Link	Schoenberg	Mr. President
Forby	Luechtefeld	Shadid	
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3367**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik

[April 29, 2004]

Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3368**, having been transcribed and typed and all amendments adopted thereto having been printed, 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	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

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 therein.

On motion of Senator Welch, **Senate Bill No. 3369**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lauzen	Rutherford	Winkel
DeLeo	Lightford	Sandoval	Wojcik
Dillard	Link	Schoenberg	Mr. President
Forby	Luechtefeld	Shadid	

[April 29, 2004]

Garrett	Maloney	Sieben
Geo-Karis	Martinez	Silverstein

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 therein.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Welch, **House Bill No. 4266**, 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 52; Nays None; Present 2.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Burzynski	Harmon	Peterson	Trotter
Clayborne	Hendon	Petka	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Risinger	Watson
Crotty	Jones, J.	Roskam	Welch
Cullerton	Jones, W.	Rutherford	Winkel
del Valle	Lauzen	Sandoval	Wojcik
DeLeo	Lightford	Schoenberg	Mr. President
Dillard	Link	Shadid	
Forby	Luechtefeld	Sieben	
Garrett	Maloney	Silverstein	
Geo-Karis	Martinez	Soden	

The following voted present:

Radogno
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.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Syverson was excused from attendance due to medical reasons.

On motion of Senator Burzynski, Senator Rauschenberger was excused from attendance due to legislative business.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Trotter, **House Bill No. 486** having been printed, was taken up and read by title a second time.

[April 29, 2004]

The following amendments were offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 486 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 11.5 as follows:
(210 ILCS 85/11.5 new)

Sec. 11.5. Uniform standards of obstetrical care regardless of ability to pay.

(a) No hospital may promulgate policies or implement practices that determine differing standards of obstetrical care based upon a patient's source of payment or ability to pay for medical services.

(b) Each hospital shall develop a written policy statement reflecting the requirements of subsection (a) and shall post written notices of this policy in the obstetrical admitting areas of the hospital by July 1, 2004. Notices posted pursuant to this Section shall be posted in the predominant language or languages spoken in the hospital's service area.

Section 15. The Illinois Public Aid Code is amended by adding Section 5-16.7a as follows:
(305 ILCS 5/5-16.7a new)

Sec. 5-16.7a. Reimbursement for epidural anesthesia services. In addition to other procedures authorized by the Department under this Code, the Department shall provide reimbursement to medical providers for epidural anesthesia services when ordered by the attending practitioner at the time of delivery.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 486, AS AMENDED, with reference to page and line numbers of Senate Amendment No.1, on page 1, by replacing line 20 with the following:
"changing Section 5-5 and adding Section 5-16.7a as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and

[April 29, 2004]

Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

- (1) dental services, which shall include but not be limited to prosthodontics; and
- (2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to

provisions of this Article and the Illinois Health Finance Reform Act, except that:

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

[April 29, 2004]

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
- (d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

(Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04)."

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

On motion of Senator Silverstein, **House Bill No. 1659** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1659 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 as follows:
(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

(Section scheduled to be repealed on July 1, 2008)

Sec. 3. Definitions. As used in this Act:

"Health care facilities" means and includes the following facilities and organizations:

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;

[April 29, 2004]

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;

4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;

5. Kidney disease treatment centers, including a free-standing hemodialysis unit required to be licensed under the End Stage Renal Disease Facility Act; and

6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

No federally owned facility shall be subject to the provisions of this Act, nor facilities used solely for healing by prayer or spiritual means.

No facility licensed under the Supportive Residences Licensing Act or the Assisted Living and Shared Housing Act shall be subject to the provisions of this Act.

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

This Act does not apply to facilities granted waivers under Section 3-102.2 of the Nursing Home Care Act. However, if a demonstration project under that Act applies for a certificate of need to convert to a nursing facility, it shall meet the licensure and certificate of need requirements in effect as of the date of application.

This Act shall not apply to a dialysis facility that: (i) provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis; and (ii) becomes an approved participant or has participated in the Centers for Medicare and Medicaid Service's expanded delivery model study for home dialysis services provided to residents of skilled nursing and nursing facilities in Illinois and its successor programs of extensions thereof.

This Act shall not apply to a dialysis unit located in a licensed nursing home that offers or provides dialysis-related services to individuals with end stage renal disease who have elected to receive home dialysis.

This Act shall not apply to the closure of an entity or a portion of an entity licensed under the Nursing Home Care Act that elects to convert, in whole or in part, to an assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act.

With the exception of those health care facilities specifically included in this Section, nothing in this Act shall be intended to include facilities operated as a part of the practice of a physician or other licensed health care professional, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional group. Further, this Act shall not apply to physicians or other licensed health care professional's practices where such practices are carried out in a portion of a health care facility under contract with such health care facility by a physician or by other licensed health care professionals, whether practicing in his individual capacity or within the legal structure of any partnership, medical or professional corporation, or unincorporated medical or professional groups. This Act shall apply to construction or modification and to establishment by such health care facility of such contracted portion which is subject to facility licensing requirements, irrespective of the party responsible for such action or attendant financial obligation.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

"Consumer" means any person other than a person (a) whose major occupation currently involves or whose official capacity within the last 12 months has involved the providing, administering or financing of any type of health care facility, (b) who is engaged in health research or the teaching of health, (c) who has a material financial interest in any activity which involves the providing, administering or financing of any type of health care facility, or (d) who is or ever has been a member of the immediate family of the person defined by (a), (b), or (c).

"State Board" means the Health Facilities Planning Board.

"Construction or modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership, of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation, or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a health care facility for the construction or modification

of a facility licensed under the Assisted Living and Shared Housing Act shall be excluded from any obligations under this Act.

"Establish" means the construction of a health care facility or the replacement of an existing facility on another site.

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

"Capital Expenditure" means an expenditure: (A) made by or on behalf of a health care facility (as such a facility is defined in this Act); and (B) which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part; and which exceeds the capital expenditure minimum.

For the purpose of this paragraph, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditures minimum. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under this Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure for purposes of this Act if a transfer of the equipment or facilities at fair market value would be subject to review.

"Capital expenditure minimum" means \$6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"Non-clinical service area" means an area (i) for the benefit of the patients, visitors, staff, or employees of a health care facility and (ii) not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers.

"Areawide" means a major area of the State delineated on a geographic, demographic, and functional basis for health planning and for health service and having within it one or more local areas for health planning and health service. The term "region", as contrasted with the term "subregion", and the word "area" may be used synonymously with the term "areawide".

"Local" means a subarea of a delineated major area that on a geographic, demographic, and functional basis may be considered to be part of such major area. The term "subregion" may be used synonymously with the term "local".

"Areawide health planning organization" or "Comprehensive health planning organization" means the health systems agency designated by the Secretary, Department of Health and Human Services or any successor agency.

"Local health planning organization" means those local health planning organizations that are designated as such by the areawide health planning organization of the appropriate area.

"Physician" means a person licensed to practice in accordance with the Medical Practice Act of 1987, as amended.

"Licensed health care professional" means a person licensed to practice a health profession under pertinent licensing statutes of the State of Illinois.

"Director" means the Director of the Illinois Department of Public Health.

"Agency" means the Illinois Department of Public Health.

"Comprehensive health planning" means health planning concerned with the total population and all health and associated problems that affect the well-being of people and that encompasses health services, health manpower, and health facilities; and the coordination among these and with those social, economic, and environmental factors that affect health.

"Alternative health care model" means a facility or program authorized under the Alternative Health Care Delivery Act.

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

(Source: P.A. 93-41, eff. 6-27-03.)

Section 10. The End Stage Renal Disease Facility Act is amended by changing Sections 15 and 20 as follows:

(210 ILCS 62/15)

Sec. 15. Exemptions from licensing requirement. The following facilities are not required to be licensed under this Act:

- (1) a home health agency licensed under the Home Health Agency Licensing Act;
- (2) a hospital licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and
- (3) the office of a physician;

(4) a nursing facility licensed under the Nursing Home Care Act (210 ILCS 45/); and

(5) a facility that (i) provides only dialysis training, support, and related services to individuals with end stage renal disease who have elected to receive home dialysis; and (ii) becomes an approved participant or has participated in the Centers for Medicare and Medicaid Service's expanded delivery model study for home dialysis services provided to residents of skilled nursing and nursing facilities in Illinois and its successor programs of extensions thereof.

(Source: P.A. 92-794, eff. 7-1-03.)

(210 ILCS 62/20)

Sec. 20. Issuance and renewal of license.

(a) An applicant for a license under this Act shall submit an application on forms prescribed by the Department.

(b) Each application shall be accompanied by a non-refundable license fee, as established by rule of the Department.

(c) Each application shall contain evidence that there is at least one physician responsible for the medical direction of the facility and that each dialysis technician on staff has completed a training program as required by this Act.

(d) The Department may grant a temporary initial license to an applicant. A temporary initial license expires on the earlier of (i) the date the Department issues or denies the license or (ii) the date 6 months after the temporary initial license was issued. The Department may issue subsequent temporary licenses where necessary.

(e) The Department shall issue a license if, after application, inspection, and investigation, it finds the applicant meets the requirements of this Act and the standards adopted pursuant to this Act. The Department may consider facilities certified under Titles XVIII and XIX of the federal Social Security

[April 29, 2004]

~~Act as meeting the licensure requirements under this Section. The Department may include participation as a supplier of end stage renal disease services under Titles XVIII and XIX of the federal Social Security Act as a condition of licensure.~~

(f) The license is renewable annually after submission of (i) the renewal application and fee and (ii) an annual report on a form prescribed by the Department that includes information related to quality of care at the end stage renal disease facility. The report must be in the form and documented by evidence as required by Department rule.

(Source: P.A. 92-794, eff. 7-1-03.)

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

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

On motion of Senator Cullerton, **House Bill No. 1875** was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

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

On motion of Senator Trotter, **House Bill No. 3957** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3977** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 4232** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4232 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Physical Fitness Facility Medical Emergency Preparedness Act.

Section 5. Definitions. In this Act, words and phrases have the meanings set forth in the following Sections.

Section 5.5. Automated external defibrillator. "Automated external defibrillator" or "AED" means an automated external defibrillator as defined in the Automated External Defibrillator Act.

Section 5.10. Department. "Department" means the Department of Public Health.

Section 5.15. Director. "Director" means the Director of Public Health.

Section 5.20. Medical emergency. "Medical emergency" means the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care.

Section 5.25. Physical fitness facility.

(a) "Physical fitness facility" means the following:

(1) Any of the following indoor facilities that is (i) owned or operated by a park district, municipality, or other unit of local government, including a home rule unit, or by a public or private elementary or secondary school, college, university, or technical or trade school and (ii) supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these indoor facilities: a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; or volleyball court; or such

[April 29, 2004]

facilities located adjacent thereto.

(2) Except as provided in subsection (b), any other indoor establishment, whether public or private, that 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 facility located in a hospital or in a hotel or motel, or any outdoor facility. The term also does not include any facility that does not employ any persons to provide instruction, training, or assistance for persons using the facility.

Section 10. Medical emergency plan required.

(a) Before July 1, 2005, each person or entity, including a home rule unit, that operates a physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public. The plan must comply with this Act and rules adopted by the Department to implement this Act. The facility must file a copy of the plan with the Department.

(b) Whenever there is a change in the structure occupied by the facility or in the services provided or offered by the facility that would materially affect the facility's ability to respond to a medical emergency, the person or entity, including a home rule unit, must promptly update its plan developed under subsection (a) and must file a copy of the updated plan with the Department.

Section 15. Automated external defibrillator required.

(a) By the dates specified in Section 50, every physical fitness facility must have at least one AED on the facility premises. The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of AEDs in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one AED on the premises, based on factors that include the following:

(1) The size of the area or the number of buildings or floors occupied by the facility.

(2) The number of persons using the facility, excluding spectators.

(b) A physical fitness facility must ensure that there is a trained AED user on staff.

(c) Every physical fitness facility must ensure that every AED on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.

Section 20. Training. The Department shall adopt rules to establish programs to train physical fitness facility staff on the role of cardiopulmonary resuscitation and the use of automated external defibrillators. The rules must be consistent with those adopted by the Department for training AED users under the Automated External Defibrillator Act.

Section 30. Inspections. The Department shall inspect a physical fitness facility in response to a complaint filed with the Department alleging a violation of this Act. For the purpose of ensuring compliance with this Act, the Department may inspect a physical fitness facility at other times in accordance with rules adopted by the Department.

Section 35. Penalties for violations.

(a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 or (ii) failing to have on the premises an AED or trained AED user as required under 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 Section only after it provides the following to the facility:

(1) Written notice of the alleged violation.

(2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.

(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.

(4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.

(c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.

(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.

Section 40. Rules. The Department shall adopt rules to implement this Act.

Section 45. Liability. Nothing in this Act shall be construed to either limit or expand the exemptions from civil liability in connection with the purchase or use of an automated external defibrillator that are provided under the Automated External Defibrillator Act or under any other provision of law. A right of action does not exist in connection with the use or non-use of an automated external defibrillator at a facility governed by this Act, except for willful or wanton misconduct, provided that the person, unit of state or local government, or school district operating the facility has adopted a medical emergency plan as required under Section 10 of this Act, has an automated external defibrillator at the facility as required under Section 15 of this Act, and has maintained the automated external defibrillator in accordance with the rules adopted by the Department.

Section 50. Compliance dates; private and public indoor physical fitness facilities.

(a) Privately owned indoor physical fitness facilities. Every privately owned or operated indoor physical fitness facility must be in compliance with this Act on or before July 1, 2006.

(b) Publicly owned indoor physical fitness facilities. A public entity owning or operating 4 or fewer indoor physical fitness facilities must have at least one such facility in compliance with this Act on or before July 1, 2006; its second facility in compliance by July 1, 2007; its third facility in compliance by July 1, 2008; and its fourth facility in compliance by July 1, 2009.

A public entity owning or operating more than 4 indoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2006; 50% of those facilities in compliance by July 1, 2007; 75% of those facilities in compliance by July 1, 2008; and 100% of those facilities in compliance by July 1, 2009.

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 90. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)

Sec. 5.625. The Physical Fitness Facility Medical Emergency Preparedness Fund.

Section 95. The State Mandates Act is amended by adding Section 8.28 as follows:
(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 100. The Automated External Defibrillator Act is amended by changing Section 30 as follows:

(410 ILCS 4/30)

Sec. 30. Exemption from civil liability.

(a) A physician licensed in Illinois to practice medicine in all its branches who authorizes the purchase of an automated external defibrillator is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of automated external defibrillators is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person, unit of State or local government, or school district owning, occupying, or managing the premises where an automated external defibrillator is located is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) ~~An A-trained~~ AED user is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met.

(e) This Section does not apply to a public hospital.

(Source: P.A. 91-524, eff. 1-1-00.)".

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

On motion of Senator Petka, **House Bill No. 4239** was taken up, read by title a second time. Committee Amendment No. 1 was held in the Committee on Rules.

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

On motion of Senator Link, **House Bill No. 4495** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 4502** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 4788** was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator Dillard, **House Bill No. 4790** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4818** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 4837** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1 . Amend House Bill 4837 on page 1, by replacing lines 12 and 13 with the following:

"formerly designated as Community Based Residential Facilities. Participating projects must hold a valid license, which remains unsuspending, unrevoked, and unexpired, under the provisions of the Assisted Living and Shared Housing Act."

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

On motion of Senator Munoz, **House Bill No. 4949** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 4980** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 5014** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5057** having been printed, was taken up and read by title a second time.

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

[April 29, 2004]

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5057 on page 7, by replacing lines 4 through 35 with the following:

"(20 ILCS 105/4.12 new)

Sec. 4.12. Assistance to nursing home residents.

(a) The Department on Aging shall assist eligible nursing home residents and their families to select long-term care options that meet their needs and reflect their preferences. At any time during the process, the resident or his or her representative may decline further assistance.

(b) To provide assistance, the Department shall develop a community reintegration program in selected areas of the State, to be expanded statewide as funding becomes available. The program shall be developed in consultation with nursing homes, case managers, Area Agencies on Aging, and others interested in the well-being of frail elderly Illinois residents. The Department shall establish administrative rules pursuant to the Illinois Administrative Procedure Act with respect to resident eligibility, assessment of the resident's health, cognitive and social needs, development of comprehensive service transition plans, and the level of services that must be available prior to reintegration of a resident into the community.

Section 10. The Illinois Public Aid Code is amended by adding Section 5-5d as follows:

(305 ILCS 5/5-5d new)

Sec. 5-5d. Community reintegration. The Department of Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate community reintegration. Nothing in this Section shall be construed as limiting current reintegration programs by the Departments of Human Services or the Department on Aging."; and

on page 8, by deleting lines 1 through 27.

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

On motion of Senator Jacobs, **House Bill No. 5075** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5094** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5094 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 3.135 and 39 and by adding Section 9.14 as follows:

(415 ILCS 5/3.135) (was 415 ILCS 5/3.94)

Sec. 3.135. Coal combustion by-product; CCB.

(a) "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially for any of the following purposes:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of the following commercial products: cement; concrete and concrete mortars; cementitious concrete products including block, pipe and precast/prestressed components; asphalt or cementitious cement based roofing products shingles; plastic products including pipes and fittings; paints and metal alloys ; kiln fired products including bricks, blocks, and tiles; abrasive media; gypsum wallboard; asphaltic concrete, or asphalt based paving material.

(3) CCB used (A) in accordance ~~conformance~~ with the Illinois Department of Transportation ("IDOT") Standard specifications and subsection 10 of this Section or (B) ~~and~~ under the approval of the Department of Transportation for IDOT projects.

(4) Bottom ash used as antiskid material, athletic tracks, or foot paths.

(5) Use ~~as a substitute for lime (CaO and MgO)~~ in the lime stabilization or modification of soils

[April 29, 2004]

providing the CCB meets the IDOT Illinois Department of Transportation ("IDOT") specifications for soil modifiers byproduct limes.

(6) CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.

(7) Bottom ash used in non-IDOT pavement sub-base or base, pipe bedding, or foundation backfill.

(8) Structural fill, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil unless infiltration is prevented by the material itself or other cover material.

(9) Mine subsidence, mine fire control, mine sealing, and mine reclamation.

(10) Except to the extent that the uses are in strict accordance with the appropriate ASTM standard below or are otherwise authorized by law without such restrictions, uses (a)(3)(A) and (a)(7) through (9) shall be subject to the following conditions:

(A) CCB shall not have been mixed with hazardous waste prior to use;

(B) CCB shall not exceed Class I Groundwater Standards for the following parameters metals when tested utilizing test

method ASTM D3987-85: arsenic, barium, boron, cadmium, antimony, beryllium, chloride, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, sulfate, thallium, phenol, and zinc. The sample or samples tested shall be representative of the CCB being considered for use;

(C) Unless otherwise exempted, users of CCB shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (a)(10)(A) and (B) of this Section. Notification shall not be required for pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons;

(D) Fly ash shall be managed applied in a manner that minimizes the generation of airborne particles

and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method; ~~and~~

(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively

if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period; ~~and -~~

(F) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and will be tested as intended for use.

(b) To encourage and promote the utilization of CCB in productive and beneficial applications, upon request by the applicant, the Agency shall ~~may~~ make a written beneficial use determinations determination that coal-combustion waste is CCB when used in a manner other than those uses specified in subsection (a) of that specified in this Section if the applicant demonstrates that use of the coal-combustion waste satisfies all of the following criteria: the use will not cause, threaten, or allow the discharge of any contaminants into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material if the use has been shown to have no adverse environmental impact greater than the beneficial uses specified, in consultation with the Department of Mines and Minerals, the Illinois Clean Coal Institute, the Department of Transportation, and such other agencies as may be appropriate.

The Agency's beneficial use determinations may allow the uses set forth in subsections (a)(3)(A) and (a)(7) through (9) of this Section without the CCB being subject to the restrictions set forth in subsection (a)(10)(B) and (E) of this Section.

Within 90 days after the receipt of an application for a beneficial use determination under this subsection (b), the Agency shall, in writing, approve, disapprove, or approve with conditions the beneficial use. Any disapproval or approval with conditions shall include the Agency's reasons for the disapproval or conditions. Failure of the Agency to issue a decision within 90 days shall constitute disapproval of the beneficial use request. These beneficial use determinations are subject to review under Section 40 of this Act.

Any approval of a beneficial use under this subsection (b) shall become effective upon the date of the Agency's written decision and remain in effect for a period of 5 years. If an applicant desires to continue a beneficial use after the expiration of the 5-year period, the applicant must submit a new application and fee in accordance with this subsection (b).

Coal-combustion waste for which a beneficial use is approved pursuant to this subsection (b) shall be

considered CCB during the effective period of the approval as long as it is used in accordance with the approval and any conditions.

The Board shall adopt rules establishing standards and procedures for the Agency's issuance of beneficial use determinations under this subsection (b). The Board rules may also, but are not required to, include standards and procedures for the revocation of the beneficial use determinations. Prior to the effective date of Board rules adopted under this subsection (b), the Agency is authorized to make beneficial use determinations in accordance with this subsection (b).

The Agency is authorized to prepare and distribute guidance documents relative to its administration of this Section. Guidance documents prepared under this subsection are not rules for the purposes of the Illinois Administrative Procedure Act.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/9.14 new)

Sec. 9.14. Streamlining permitting requirements.

(a) The General Assembly finds that existing air pollution permitting requirements should be streamlined or reduced, where:

(1) There is no threat to the public health or welfare from the streamlining; and

(2) The streamlining is not inconsistent with federal law, regulation, or policy.

(b) Streamlining under this Section includes, but is not limited to:

(1) The adoption of additional permit exemptions for categories and classes of emission units;

(2) The adoption of provisions for permits by rule for certain categories of minor sources for which such an approach could be effectively utilized;

(3) The adoption of provisions to facilitate the utilization of General Permits for categories of sources in which a significant number of similar sources exist and the permits could be effectively utilized, which permits may provide for the addition and replacement of certain emission units; and

(4) For certain types of new or modified emission units in appropriate circumstances, and at the applicant's own risk, the adoption of provisions allowing an applicant to commence construction of a emission unit before a permit is issued but after a complete permit application has been submitted.

(c) Consistent with these findings, the Board shall examine the current scope of State air pollution control permit requirements with the objective of creating additional permit exemptions and eliminating permit requirements for insignificant activities and emission units. The Agency shall propose before January 1, 2005, and the Board shall adopt, pursuant to Sections 27 and 28 of this Act, revisions to its regulations reflecting the results of the permit streamlining efforts, consistent with subsections (a) and (b) of this Section. Specifically, the Board's revisions shall include, but not be limited to, the following:

(1) The simplification or elimination of the requirements for construction permits to replace or add air pollution control equipment for existing emission units in circumstances where:

(A) The existing emission unit is permitted and has operated in compliance for the past year;

(B) The new control equipment will provide equal or better control of the target pollutants;

(C) The new control device will not be accompanied by a net increase in emissions of any collateral pollutant;

(D) New or different regulatory requirements will not apply or potentially apply to the unit; and

(E) The new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of such type.

(2) For permitted sources that have federally enforceable state operating permits limiting their potential to emit, the simplification or elimination of the requirement for permitting of a proposed new or modified emission unit in circumstances where:

(A) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the emission unit is less than 0.1 pound per hour or whatever higher rate the Board deems appropriate;

(B) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain any hazardous air pollutants as defined under Section 112(b) of the federal Clean Air Act;

(C) The emission unit is not subject to an emission standard or other regulatory requirement pursuant to Section 111 of the federal Clean Air Act;

(D) Potential emissions of regulated air pollutants from the emission unit will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under Sections 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable state operating permit limiting the source's potential to emit; and

(E) The source is not currently the subject of a written compliance inquiry or formal enforcement

[April 29, 2004]

action by the State of Illinois or USEPA related to the emissions of the source.

(3) For permitted sources that that are not major sources subject to Section 39.5 and that do not have a federally enforceable state operating permit limiting their potential to emit, the simplification or elimination of the requirement for permitting of proposed new or modified emission units before their construction and operation in circumstances where:

(A) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the emission unit is either:

(i) Less than 0.1 pound per hour or whatever higher rate the Board deems appropriate; or

(ii) Less than 0.5 pound per hour, or whatever higher rate the Board deems appropriate, and the permittee provides prior notification to the Agency of the intent to construct or install the unit;

(B) The emission unit is not subject to an emission standard or other regulatory requirement under Section 111 or 112 of the federal Clean Air Act;

(C) Potential emissions of regulated air pollutants from the emission unit will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and

(D) The source is not currently the subject of a written compliance inquiry or formal enforcement action by the State of Illinois or USEPA related to the emissions of the source.

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;

(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon

[April 29, 2004]

written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November

[April 29, 2004]

12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendar years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

- (1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;
 - (2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;
 - (3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and
 - (4) the site has local zoning approval.
- (d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its

decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations. The Agency may deny such a permit if the prospective owner or operator or any employee or officer of the prospective owner or operator has a

[April 29, 2004]

history of:

- (1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
- (2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
- (3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

- (1) the Sections of this Act that may be violated if the permit were granted;
- (2) the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;
- (3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and
- (4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

- (1) the facility includes a setback of at least 200 feet from the nearest potable water supply well;
- (2) the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;
- (3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on the same property as the facility);
- (4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;
- (5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise

[April 29, 2004]

disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(q) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Title 35 of the Illinois Administrative Code, Subtitle B: Air Pollution Control, Chapter I: Pollution Control Board, Section 201.212, which rule provides that changes in the insignificant activities at a CAAPP source shall be addressed during the renewal of the CAAPP permit. Provided, however, other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for these emission units or activities, nothing in this provision shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to these emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified, or located at the source.

(Source: P.A. 92-574, eff. 6-26-02; 93-575, eff. 1-1-04.)"

Committee Amendment No. 2 was held in the Committee on Rules.

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

On motion of Senator Obama, **House Bill No. 5164** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5823** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **House Bill No. 5889** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 6706** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 6906** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 6906 on page 1, lines 14 and 15, by replacing "professional development for teachers (in a specific subject area if applicable)" with "recruitment and retention initiatives to assist in recruiting and retaining highly qualified teachers (in a specific subject area if applicable) as specified in paragraphs (1)(B), (2)(A), (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section 2123 of the Act"; and

on page 1, line 24, by replacing "a" with "the"; and

on page 1, line 29, before "board", by inserting "school"; and

on page 1, lines 30 and 31, by replacing "professional development for teachers (in a specific subject area if applicable)" with "recruitment and retention initiatives to assist in recruiting and retaining highly qualified teachers (in a specific subject area is applicable) as specified in paragraphs (1)(B), (2)(A), (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section 2123 of the Act".

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

On motion of Senator Burzynski, **House Bill No. 6954** was taken up, read by title a second time and ordered to a third reading.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Hendon, **Senate Bill No. 2800** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2800 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 103-10 as follows: (725 ILCS 5/103-10 new)
Sec. 103-10. Law enforcement agencies; use of video cameras to enforce criminal laws or ordinances.".

Floor Amendment No. 2 was held in the Committee on Judiciary.

Floor Amendment No. 3 was postponed in the Committee on Judiciary.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 2800, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 103-10 as follows: (725 ILCS 5/103-10 new)

[April 29, 2004]

Sec. 103-10. Law enforcement agencies; use of video cameras to enforce criminal laws or ordinances prohibited.

(a) A law enforcement agency or law enforcement officer may not use a video camera or recording device, openly placed, that displays an oscillating, rotating, or flashing light as described in Section 12-215 of the Illinois Vehicle Code to record visual images of public streets or highways and pedestrians or motor vehicle drivers on those streets or highways for the purpose of enforcing the criminal laws of this State or the criminal ordinances of a unit of local government.

(b) Video camera images recorded in violation of subsection (a) are inadmissible in any criminal proceeding as evidence against a pedestrian or driver shown in those images and may not be used as a basis for an arrest of any person shown in those images to be violating the criminal laws of this State or the criminal ordinances of a unit of local government.

(c) This Section does not prohibit:

(1) a law enforcement agency or law enforcement officer from placing a video camera or recording device, secretly or openly placed, for the purpose of enforcing the Illinois Vehicle Code or similar ordinances of a unit of local government that regulate the moving of traffic;

(2) the placing of a video camera or recording device in or on a police vehicle; or

(3) the use of an eavesdropping device for undercover law enforcement purposes as authorized under Section 14-3 of the Criminal Code of 1961."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 4 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2791** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3 . Amend Senate Bill 2791, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 9 and by adding Sections 6.5 and 20.5 as follows:

(765 ILCS 745/6.5 new)

Sec. 6.5. Disclosure. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park:

(1) the rent charged for the mobile home or lot in the past 5 years;

(2) the park owner's responsibilities with respect to the mobile home or lot;

(3) information regarding any fees imposed in addition to the base rent;

(4) information regarding late payments;

(5) information regarding any privilege tax that is applicable; and

(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act.

The park owner must update the written disclosure at least once per year. The park owner must advise tenants who are renewing a lease of any changes in the disclosure from any prior disclosure.

(765 ILCS 745/9) (from Ch. 80, par. 209)

Sec. 9. The Terms of Fees and Rents. The terms for payment of rent shall be clearly set forth and all charges for services, ground or lot rent, unit rent, or any other charges shall be specifically itemized in the lease and in all billings of the tenant by the park owner.

The owner shall not change the rental terms nor increase the cost of fees, except as provided herein.

The park owner shall not charge a transfer or selling fee as a condition of sale of a mobile home that is going to remain within the park unless a service is rendered.

Rents charged to a tenant by a park owner may be increased upon the renewal of a lease. Notification of an increase shall be delivered 60 days prior to expiration of the lease.

If the park owner increases the rent more than 15% of the previous lease amount and the tenant is over the age of 65 or disabled, then the landlord must give the tenant a written explanation justifying the rent

[April 29, 2004]

increase.

(Source: P.A. 86-851.)

(765 ILCS 745/20.5 new)

Sec. 20.5. Publication of false or misleading information; remedies. Any person who pays anything of value toward the purchase of a mobile home or placement of a mobile home in a mobile home park located in this State in reasonable reliance upon any material statement or information that is false or misleading and published by or under authority from the park owner or developer in advertising and promotional materials, including, but not limited to, a prospectus, the items required as exhibits to a prospectus, brochures, and newspaper advertising, shall have a cause of action to rescind the contract or collect damages from the developer, park owner, or mobile home dealer for her or his loss."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 2791, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by adding Sections 6.5 and 20.5 as follows:

(765 ILCS 745/6.5 new)

Sec. 6.5. Disclosure. A park owner must disclose in writing the following with every lease or sale and upon renewal of a lease of a mobile home or lot in a mobile home park:

(1) the rent charged for the mobile home or lot in the past 5 years;

(2) the park owner's responsibilities with respect to the mobile home or lot;

(3) information regarding any fees imposed in addition to the base rent;

(4) information regarding late payments;

(5) information regarding any privilege tax that is applicable; and

(6) information regarding security deposits, including the right to the return of security deposits and interest as provided in Section 18 of this Act.

The park owner must update the written disclosure at least once per year. The park owner must advise tenants who are renewing a lease of any changes in the disclosure from any prior disclosure.

(765 ILCS 745/20.5 new)

Sec. 20.5. Publication of false or misleading information; remedies. Any person who pays anything of value toward the purchase of a mobile home or placement of a mobile home in a mobile home park located in this State in reasonable reliance upon any material statement or information that is false or misleading and published by or under authority from the park owner or developer in advertising and promotional materials, including, but not limited to, a prospectus, the items required as exhibits to a prospectus, brochures, and newspaper advertising, shall have a cause of action to rescind the contract or collect damages from the developer, park owner, or mobile home dealer for her or his loss."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3 and 4 were ordered engrossed, and the bill, as amended was ordered to a third reading.

REPORT FROM STANDING COMMITTEE

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's, Secretary of State's, Comptroller's and Treasurer's appointments.

The motion prevailed.

EXECUTIVE SESSION

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

LINCOLN PRESIDENTIAL LIBRARY

To be the Director of the Lincoln Presidential Library for a term commencing December 1, 2003:

Richard Norton Smith of Springfield
Salaried

EMPLOYMENT SECURITY REVIEW BOARD, DEPARTMENT OF

To be a Member of the Department of Employment Security Review Board for a term commencing July 28, 2003 and ending January 17, 2005:

William J. Nolan of Chicago
Salaried

MINING BOARD, STATE

To be a Member of the State Mining Board for a term commencing July 1, 2003, and ending January 17, 2005:

Joseph R. Angleton of DuQuoin
Salaried

To be a Member of the State Mining Board for a term commencing July 7, 2003, and ending January 17, 2005:

George Teegarden of Harrisburg
Salaried

To be a Member of the State Mining Board for a term commencing July 3, 2003, and ending January 17, 2005:

David L. Webb of Marion
Salaried

PROPERTY TAX APPEAL BOARD

To be a Member and Chair of the Property Tax Appeal Board for a term commencing October 15, 2003 and ending January 19, 2009:

Carlos Montoya of Naperville
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.

[April 29, 2004]

Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 3, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

MINING BOARD, STATE

To be Member of the State Mining Board for a term commencing May 26, 2003, and ending January 17, 2005:

Jerry Cross of Marissa
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 6, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

LABOR RELATIONS BOARD; STATE PANEL, ILLINOIS

To be a member of the Illinois Labor Relations Board; State Panel for a term commencing November 1, 2003 and ending January 24, 2005:

Charles Hernandez of Batavia
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of January 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

PROPERTY TAX APPEAL BOARD

To be a member of the Property Tax Appeal Board for a term commencing December 18, 2003 and ending January 15, 2007:

Kevin L. Freeman of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.

[April 29, 2004]

Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

COURT OF CLAIMS

To be a judge of the Court of Claims for a term commencing January 20, 2004 and ending January 18, 2010:

Peter J. Birnbaum of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 10, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

EXECUTIVE INSPECTOR GENERAL

To be Executive Inspector General for a term commencing February 6, 2004 and ending June 30, 2008:

[April 29, 2004]

Zaldwaynaka Scott of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 5, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF

To be Assistant Director of the Department of Commerce and Economic Opportunity for a term commencing March 1, 2004 and ending January 17, 2005:

Roxanne Nava of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President

[April 29, 2004]

Garrett
Geo-Karis

Maloney
Martinez

Shadid
Sieben

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 22, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

FIRE MARSHAL, STATE

To be the State Fire Marshal for a term commencing April 12, 2004 and ending January 17, 2005:

James T. Somer of Salem
Salaried

HUMAN RIGHTS COMMISSION

To be a Member of the Human Rights Commission for a term commencing April 5, 2004 and ending January 15, 2007:

Yonnie Rita Stroger of Chicago
Salaried

PRISONER REVIEW BOARD

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 19, 2009:

Eric W. Althoff of Effingham
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 17, 2005:

James R. Donahue of Pekin
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 15, 2007:

Robert L. Dunne of Oak Lawn
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 17, 2005:

Craig Findley of Jacksonville
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 15, 2007:

Andrew P. Fox of Chicago
Salaried

[April 29, 2004]

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 19, 2009:

David Frier of Springfield
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 19, 2009:

Barbara M. Hubbard of Caseyville
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 15, 2007:

Thomas L. Johnson of West Chicago
Salaried

To be a Member of the Prisoner Review Board for a term commencing June 1, 2004 and ending January 15, 2007:

Jesse D. Madison of Chicago
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 17, 2005:

Milton A. Maxwell of Carbondale
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 17, 2005:

Nancy L. Bridges-Mickelson of Golconda
Salaried

To be a Member and Chair of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 19, 2009:

Jorge Montes of Chicago
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 17, 2005:

John W. Stenson of Peoria
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 15, 2007:

Norman M. Sula of Naperville
Salaried

To be a Member of the Prisoner Review Board for a term commencing May 1, 2004 and ending January 19, 2009:

Geraldine E. Tyler of Olympia Fields
Salaried

[April 29, 2004]

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Trotter
Clayborne	Hendon	Radogno	Viverito
Collins	Hunter	Risinger	Walsh
Cronin	Jacobs	Ronen	Watson
Crotty	Jones, J.	Roskam	Welch
Cullerton	Jones, W.	Rutherford	Winkel
del Valle	Lightford	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Mr. President
Dillard	Luechtefeld	Shadid	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	
Geo-Karis	Munoz	Soden	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of March 31, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

COMMISSIONER OF THE EXECUTIVE ETHICS COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Executive Ethics Commission for the Office of the Secretary of State for a term ending December 31, 2007.

Maria Kuzas
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President

[April 29, 2004]

Garrett	Maloney	Shadid
Geo-Karis	Martinez	Sieben

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Comptroller's Message to the Senate of February 18, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

EXECUTIVE INSPECTOR GENERAL FOR THE OFFICE OF THE COMPTROLLER

To be Executive Inspector General for a term commencing February 18, 2004, and ending June 30, 2008:

Michael J. Drake
Salaried

COMMISSIONER OF THE EXECUTIVE ETHICS COMMISSION FOR THE OFFICE OF THE COMPTROLLER

To be a Commissioner of the Executive Ethics Commission for a term commencing February 18, 2004, and ending June 30, 2008:

James J. Faught
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Treasurer's Message to the Senate of March 22, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

EXECUTIVE INSPECTOR GENERAL FOR THE OFFICE OF THE STATE TREASURER

To be Executive Inspector General for the Office of the State Treasurer for a term ending June 20, 2008.

[April 29, 2004]

David L. Wells
Salaried

EXECUTIVE ETHICS COMMISSION MEMBER

To be a member of the Executive Ethics Commission for a term ending June 30, 2008.

Frederick J. Hess
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 23, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

CAPITAL DEVELOPMENT BOARD

To be a Member and Chair of the Capital Development Board for a term commencing July 14, 2003, and ending January 15, 2007:

Anthony R. Licata of Highland Park
Non- Salaried

COMPREHENSIVE HEALTH INSURANCE PLAN

To be a Member of the Comprehensive Health Insurance Plan for a term commencing July 1, 2003, and ending July 1, 2005:

Howard J. Bolnick of Chicago
Non-Salaried

To be a Member of the Comprehensive Health Insurance Plan for a term commencing August 18, 2003 and ending July 1, 2005:

[April 29, 2004]

Gloria L. Fishman of Chicago
Non-Salaried

EMPLOYMENT SECURITY ADVISORY BOARD, DEPARTMENT OF

To be a Member of the Department of Employment Security Advisory Board for a term commencing October 6, 2003 and ending January 17, 2005:

James G. Argionis of Chicago
Non-Salaried

To be a Member of the Department of Employment Security Advisory Board for a term commencing October 13, 2003 and ending January 17, 2005:

J. Paul Oddo of Mt. Prospect
Non-Salaried

To be a Member of the Department of Employment Security Advisory Board for a term commencing October 17, 2003 and ending January 17, 2005:

Douglas L. Whitley of Batavia
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing August 12, 2003 and ending July 1, 2004:

Stuart P. Levine of Highland Park
Non-Salaried

HIGHER EDUCATION, BOARD OF

To be a Member of the Board of Higher Education for a term commencing July 24, 2003 and ending January 31, 2009:

Jerry D. Blakemore of Chicago
Non-Salaried

SPRINGFIELD MEDICAL DISTRICT COMMISSION

To be a Member of the Springfield Medical District Commission for a term commencing October 22, 2003 and ending June 30, 2006:

David J. Bitzer of Springfield
Non-Salaried

To be a Member of the Springfield Medical District Commission for a term commencing October 22, 2003 and ending June 30, 2008:

Thomas J. McLaughlin of Springfield
Non-Salaried

To be a Member of the Springfield Medical District Commission for a term commencing on October 22, 2003 and ending on June 30, 2007:

Donald S. Ross of Springfield
Non-Salaried

STATE POLICE MERIT BOARD

To be a Member of the State Police Merit Board for a term commencing August 27, 2003 and ending May 16, 2009:

Arthur J. Smith, Jr. of Glencoe
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Trotter
Collins	Hunter	Radogno	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Laufen	Roskam	Winkel
DeLeo	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Luechtefeld	Schoenberg	
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 3, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

HIGHER EDUCATION, BOARD OF

To be Member of the Board of Higher Education for a term commencing May 26, 2003, and ending January 31, 2009:

Proshanta K. Nandi of Springfield
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh

[April 29, 2004]

Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 20, 2003, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

COMMUNITY COLLEGE BOARD, ILLINOIS

To be a member of the Illinois Community College Board for a term commencing November 14, 2003 and ending June 30, 2009:

Hermene D. Hartman of Chicago
Non-Salaried

STUDENT ASSISTANCE COMMISSION, ILLINOIS

To be a member of the Illinois Student Assistance Commission for a term commencing November 17, 2003 and ending June 30, 2005:

George Thomas Lesica of Charleston
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 51; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Munoz	Sieben
Bomke	Harmon	Obama	Silverstein
Burzynski	Hendon	Peterson	Soden
Clayborne	Hunter	Petka	Sullivan, D.
Collins	Jacobs	Radogno	Sullivan, J.
Cronin	Jones, J.	Righter	Trotter
Crotty	Jones, W.	Risinger	Viverito
del Valle	Lauzen	Ronen	Walsh
Dillard	Lightford	Roskam	Watson
Forby	Link	Rutherford	Winkel
Garrett	Luechtefeld	Sandoval	Wojcik
Geo-Karis	Maloney	Schoenberg	Mr. President
Haine	Martinez	Shadid	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of January 15, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

[April 29, 2004]

EMPLOYMENT SECURITY ADVISORY BOARD, DEPARTMENT OF

To be a member of the Department of Employment Security Advisory Board for a term commencing December 12, 2003 and ending January 17, 2005:

Margaret Blackshere of Niles
Non-Salaried

To be a member of the Department of Employment Security Advisory Board for a term commencing December 12, 2003 and ending January 17, 2005:

Thomas E. Caliper of Marion
Non-Salaried

To be a member of the Department of Employment Security Advisory Board for a term commencing January 5, 2004 and ending January 17, 2005:

Michael L. Woods, Sr. of Tuscola
Non-Salaried

HIGHER EDUCATION, BOARD OF

To be a member of the Board of Higher Education for a term commencing November 24, 2003 and ending January 31, 2007:

Steven Taslitz of Glencoe
Non-Salaried

LABOR ADVISORY BOARD, DEPARTMENT OF

To be a member of the Department of Labor Advisory Board for a term commencing December 2, 2003 and ending January 17, 2005:

Terry L. Fairclough of Springfield
Non-Salaried

To be a member of the Department of Labor Advisory Board for a term commencing January 5, 2004 and ending January 16, 2006:

Collins Parkin Whitfield of Hinsdale
Non-Salaried

PUBLIC GUARDIAN & PUBLIC ADMINISTRATOR, CUMBERLAND COUNTY

To be the Public Guardian and Public Administrator of Cumberland County for a term commencing December 2, 2003 and ending December 4, 2006:

Roy Gibson of Neoga
Non-Salaried

PUBLIC GUARDIAN & PUBLIC ADMINISTRATOR, KANE COUNTY

To be the Public Guardian and Public Administrator of Kane County for a term commencing December 2, 2003 and ending December 4, 2006:

Christine Adelman of Geneva
Non- Salaried

[April 29, 2004]

PUBLIC GUARDIAN & PUBLIC ADMINISTRATOR, WASHINGTON COUNTY

To be the Public Guardian and Public Administrator of Washington County for a term commencing December 29, 2003 and ending December 5, 2005:

John Klingenberg of Okavville
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

GAMING BOARD, ILLINOIS

To be a member of the Illinois Gaming Board for a term commencing January 22, 2004 and ending July 1, 2006:

William E. Fanning of Vernon Hills
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 16; Nays 28; Present 10.

The following voted in the affirmative:

Bomke	Lauzen	Rutherford	Wojcik
Burzynski	Peterson	Soden	
Geo-Karis	Petka	Sullivan, D.	
Jones, J.	Righter	Watson	
Jones, W.	Roskam	Winkel	

The following voted in the negative:

[April 29, 2004]

Clayborne	Halvorson	Munoz	Viverito
Collins	Hendon	Obama	Walsh
Crotty	Hunter	Ronen	Welch
Cullerton	Jacobs	Sandoval	Mr. President
del Valle	Lightford	Shadid	
DeLeo	Link	Silverstein	
Forby	Maloney	Sullivan, J.	
Haine	Martinez	Trotter	

The following voted present:

Althoff	Garrett	Radogno	Sieben
Cronin	Harmon	Risinger	
Dillard	Luechtefeld	Schoenberg	

The motion lost.

Whereupon the President of the Senate announced that the foregoing nomination having failed to receive the vote of the majority of the members elected, as required by the Illinois Constitution, was rejected.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 6, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

BI-STATE DEVELOPMENT AGENCY, ILLINOIS AND MISSOURI

To be a member of the Illinois and Missouri Bi-State Development Agency for a term commencing January 28, 2004 and ending January 19, 2009:

Fonzy Coleman
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be a member of the Kaskaskia Regional Port District Board for a term commencing January 26, 2004 and ending June 30, 2006:

Clement L. Esker of Red Bud
Non-Salaried

MEDICAL DISTRICT COMMISSION AT SPRINGFIELD, ILLINOIS

To be a member of the Illinois Medical District Commission at Springfield for a term commencing January 22, 2004 and ending June 30, 2005:

Lu Ann Johnson of Springfield
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Trotter

[April 29, 2004]

Clayborne	Hendon	Radogno	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Risinger	Watson
Crotty	Jones, J.	Roskam	Welch
Cullerton	Jones, W.	Rutherford	Winkel
del Valle	Lauzen	Sandoval	Wojcik
DeLeo	Lightford	Schoenberg	Mr. President
Dillard	Luechtefeld	Shadid	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	
Geo-Karis	Munoz	Soden	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 10, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

METROPOLITAN PIER AND EXPOSITION AUTHORITY MEMBER

To be a member of the Metropolitan Pier and Exposition Authority for a term commencing February 6, 2004 and ending June 1, 2005:

Bruce R. Meckler of Highland Park
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 20, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

JOLIET ARSENAL DEVELOPMENT AUTHORITY

To be a member of the Joliet Arsenal Development Authority for a term commencing February 13, 2004 and ending January 15, 2007:

Anthony "Jay" Plese of Wilmington
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 1, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

STATE POLICE MERIT BOARD

To be a Member of the State Police Merit Board for a term commencing March 29, 2004 and ending March 15, 2010:

Richard D. Joutras of Northfield
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Soden
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Trotter

[April 29, 2004]

Cronin	Jacobs	Righter	Viverito
Crotty	Jones, J.	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Watson
del Valle	Lauzen	Roskam	Welch
DeLeo	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 22, 2004, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

GUARDIANSHIP AND ADVOCACY COMMISSION

To be a Member of the Guardianship and Advocacy Commission for a term commencing April 19, 2004 and ending June 30, 2006:

M. Jeanne Dolphus Cotton of Vernon Hills
Non-Salaried

To be a Member of the Guardianship and Advocacy Commission for a term commencing April 2, 2004 and ending June 30, 2005:

Senator Don Harmon of Oak Park
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be a Member of the Health Facilities Planning Board for a term commencing April 8, 2004 and ending July 1, 2005:

Pamela Orr of Chicago
Non-Salaried

HIGHER EDUCATION, BOARD OF

To be a Member of the Board of Higher Education for a term commencing on April 8, 2004 and ending January 31, 2007:

Robert J. Ruiz of Oak Lawn
Non-Salaried

PUBLIC ADMINISTRATOR/ PUBLIC GUARDIAN OF EDGAR COUNTY

To be the Public Administrator/Public Guardian of Edgar County for a term commencing April 12, 2004 and ending December 4, 2006:

Amy L. Smith of Hume
Non-Salaried

SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing April 2, 2004 and ending June 30, 2006:

[April 29, 2004]

William Bogdan of South Holland
Non-Salaried

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing April 19, 2004 and ending June 30, 2005:

Karen Campbell of Fowler
Non-Salaried

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing April 19, 2004 and ending June 30, 2005:

Dawn Wentar Henry of Mahomet
Non-Salaried

SPORTS FACILITIES AUTHORITY

To be a Member and Chair of the Sport Facilities Authority for a term commencing April 2, 2004 and ending June 30, 2006:

Peter C.B. Bynoe of Chicago
Non-Salaried

WESTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Western Illinois University Board of Trustees for a term commencing April 8, 2004 and ending January 17, 2005:

William L. Epperly of Chicago
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
And on that motion, a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Righter	Viverito
Cronin	Jacobs	Risinger	Walsh
Crotty	Jones, J.	Ronen	Watson
Cullerton	Jones, W.	Roskam	Welch
del Valle	Lauzen	Rutherford	Winkel
DeLeo	Lightford	Sandoval	Wojcik
Dillard	Link	Schoenberg	Mr. President
Forby	Luechtefeld	Shadid	
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

[April 29, 2004]

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.

Senator Halvorson, presiding.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
Senate President

327 State Capitol
Springfield, Illinois 62706

April 29, 2004

Ms. Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Senate Rule 2-10, I hereby establish December 31, 2004 as the final Committee and Third Reading deadlines for the following House Bills:

HB 422
HB 6229

Very truly yours,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

MESSAGES FROM THE GOVERNOR

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

April 29, 2004

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-Third General Assembly

I have withdrawn the nomination of the following named person to the office enumerated below and respectfully ask acknowledgement of this withdrawal to be officially reflected in the record of your Honorable body.

INDUSTRIAL COMMISSION, ILLINOIS

To be withdrawn as Member of the Illinois Industrial Commission effective January 31, 2004:

[April 29, 2004]

Jacqueline A. Kinnaman of Chicago
Salaried

TOLL HIGHWAY AUTHORITY, ILLINOIS STATE

To be withdrawn as Member of the Illinois State Toll Highway Authority effective July 23, 2003:

Frank M. Clark of Hazel Crest
Salaried

To be withdrawn as Member of the Illinois State Toll Highway Authority effective July 31, 2004:

Donald J. Gasparini of Pecatonica
Salaried

ILLINOIS COMMUNITY COLLEGE BOARD

To be withdrawn as Member of the Illinois Community College Board effective January 31, 2004:

Marylou Lowder Kent of Springfield
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be withdrawn as Member of the Health Facilities Planning Board effective January 31, 2004:

Thomas Balanoff of Highland Park
Non-Salaried

To be withdrawn as Member of the Health Facilities Planning Board effective January 31, 2004:

Michael W. Gonzalez of Chicago
Non-Salaried

s/Rod Blagojevich
GOVERNOR

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

April 29, 2004

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-Third 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.

[April 29, 2004]

CHICAGO TRANSIT AUTHORITY

To be a Member of the Chicago Transit Authority for a term commencing April 26, 2004 and ending September 1, 2007:

Nicholas C. Zagotta of Flossmoor
Salaried

SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON

To be a Member of the Advisory Council on Spinal Cords and Head Injuries for a term commencing on April 23, 2004 and June 30, 2004

Mary C. Coers of Washington
Non-Salaried

s/Rod Blagojevich
GOVERNOR

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

INTRODUCTION OF BILLS

SENATE BILL NO. 3377. Introduced by Senator Bomke, a bill for AN ACT concerning vehicles.

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

PRESENTATION OF RESOLUTION

Senator Bomke offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 514

WHEREAS, About one million children ride in school buses in Illinois; and

WHEREAS, Hard-working and dedicated school bus drivers and other personnel do all they can to ensure the safe and efficient transportation of school children, and school bus transportation has an exemplary safety record; however, most of the school bus-related deaths of children each year involve children who are struck before they get on the bus or after they get off the bus; and

WHEREAS, It is important for motorists to exercise caution and follow the rules of the road regarding school buses and it is also important for children to conduct themselves properly while riding the school bus, getting on and off the bus, and waiting for the bus; and designating the week of October 17 through 23, 2004, as Illinois School Bus Safety Week will help remind Illinois drivers and children of these responsibilities; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate the week of October 17 through 23, 2004, as Illinois School Bus Safety Week to help raise awareness of school bus safety in this State among children, drivers, parents, and teachers; and we thank the school bus drivers and other personnel who ensure that children are safely transported to and from school and school-related activities; and be it further

RESOLVED, That copies of this resolution be delivered to the Secretary of State, the Department of Transportation, and the Illinois State Board of Education.

[April 29, 2004]

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 509

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Marine PFC Geoffrey S. Morris of Gurnee.

SENATE RESOLUTION 510

Offered by Senator E. Jones and all Senators:
Mourns the death of Miriam Brooks-Sumlin of Chicago.

SENATE RESOLUTION 511

Offered by Senators Harman - Obama and all Senators:
Mourns the death of Karl Joachim "Jock" Weintraub of Hyde Park.

SENATE RESOLUTION 512

Offered by Senator Forby and all Senators:
Mourns the death of Jack A. Montague of Pittsburg.

SENATE RESOLUTION 513

Offered by Senator Forby and all Senators:
Mourns the death of Gary A. Weston of Vienna.

Senator Halvorson moved the adoption of the foregoing resolutions. The motion prevailed.
And the resolutions were adopted.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
Senate President

327 State Capitol
Springfield, Illinois 62706

April 29, 2004

Ms. Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rules 3-1, 3-2 and 3-3, I hereby appoint Senator James Clayborne as Vice-Chairperson of the Senate Select Committee on Public Pension Investments, effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

PRESENTATION OF RESOLUTION

Senator Welch offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

[April 29, 2004]

SENATE JOINT RESOLUTION NO. 74

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 29, 2004, the Senate stands adjourned until Tuesday, May 04, 2004 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, May 04, 2004, at 1:00 o'clock p.m.

The Motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

At the hour of 1:15 o'clock p.m., pursuant to **Senate Joint Resolution No. 74**, the Chair announced the Senate stand adjourned until Tuesday, May 4, 2004, at 12:00 o'clock noon.