

**State of Illinois**  
**91st General Assembly**  
**Final Senate Journal**

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JOURNAL OF THE

[May 26, 1999]

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

53RD LEGISLATIVE DAY

WEDNESDAY, MAY 26, 1999

1:00 O'CLOCK P.M.

The Senate met pursuant to adjournment.  
Senator Laura Kent Donahue, Quincy, Illinois, presiding.  
Prayer by Senator Dave Sullivan, Park Ridge, Illinois.  
Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 24, 1999, was being read when on motion of Senator Myers 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.

Senator Myers moved that reading and approval of the Journal of Tuesday, May 25, 1999 be postponed pending arrival of the printed Journal.

The motion prevailed.

**REPORT RECEIVED**

The Secretary placed before the Senate the following report:

The Annual Report for Fiscal Year 1998 on Center for Rural Health

submitted by the Department of Public Health.

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

#### CONFERENCE COMMITTEES APPOINTED

Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **Senate Bill No. 53**: Senators Peterson, Radogno, Watson, Clayborne and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

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Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **Senate Bill No. 321**: Senators Parker, Rauschenberger, Syverson, Obama and Rea.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **Senate Bill No. 392**: Senators Dillard, Hawkinson, O'Malley, Cullerton and Shadid.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **House Bill No. 523**: Senators W. Jones, Peterson, Weaver, Berman and Clayborne.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **House Bill No. 1134**: Senators Cronin, Karpel, O'Malley, Berman and Demuzio.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to action taken by the Senate on May 25, 1999, the President appointed the following Senators to be members of the First Conference Committee on **House Bill No. 1845**: Senators Dillard, Hawkinson, W. Jones, Cullerton and Obama.

Ordered that the Secretary inform the House of Representatives thereof.

#### LEGISLATIVE MEASURES FILED

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 73  
First Conference Committee Report to Senate Bill 648  
First Conference Committee Report to Senate Bill 652  
First Conference Committee Report to Senate Bill 965  
First Conference Committee Report to Senate Bill 1158  
First Conference Committee Report to House Bill 427  
First Conference Committee Report to House Bill 1278  
First Conference Committee Report to House Bill 1670

#### PRESENTATION OF RESOLUTION

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

##### SENATE RESOLUTION NO. 156

WHEREAS, 49 states have reported over 124,000 cases of Lyme disease since 1980, with the actual number of cases closer to millions of people across the country; and

WHEREAS, Lyme disease is the most common tick-borne and

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vector-borne disease - representing more than 90% of such cases; and

WHEREAS, people infected with the disease live in every state in the Union; and

WHEREAS, the largest economic study of Lyme disease by the Lyme Disease Foundation, Society of Actuaries, and New York University Stern School of Business shows direct and indirect costs of Lyme disease to American society are over a billion dollars per year; and

WHEREAS, this study showed that medical bills for Lyme disease treatment was only 50% of the total costs incurred; and

WHEREAS, this study showed patients with serious disease cost an average of \$70,000 per case and took an average of 5 physicians to get diagnosed - the same number of visits as those patients whose symptoms include the telltale Lyme rash; and

WHEREAS, patients' symptoms can include mental anguish, lost work time, lost school time, disruption in marital relationship, and death; and

WHEREAS, the manifestations of early disease may be mild flu-like symptoms and/or an enlarging rash and may first show up as serious late disseminated disease; and

WHEREAS, untreated Lyme disease can affect every body system, causing serious, and sometimes permanent, damage to the brain, joints, heart, eyes, liver, spleen, blood vessels, and kidneys; and

WHEREAS, Lyme disease bacteria can cross the placenta and possibly affect fetal development; and

WHEREAS, Lyme disease is spread primarily by the bite of a tick infected with the bacterium *Borrelia burgdorferi*; and

WHEREAS, infected ticks can be carried into out-of-habitat areas by a wide variety of animals and birds, and infect people in those areas; and

WHEREAS, Lyme disease and other tick-borne diseases are bound by no seasonal limitations - ticks transmit the diseases year-round, and patients suffer year-round; and

WHEREAS, Lyme disease-carrying ticks can be found across the country - in woods, parks, beaches, and yards; and

WHEREAS, Lyme disease is most easily treated as soon as the tick bite or symptoms occur, and is more difficult to treat if not discovered before dissemination occurs, and for some may not be curable; and

WHEREAS, pets (cats, dogs) and livestock (cows, horses, goats) can also be infected with Lyme disease as well as other tick-borne disorders; and

WHEREAS, Lyme disease imitates other conditions and is therefore often misdiagnosed; and

WHEREAS, Lyme disease is difficult to diagnose because there is no reliable test that can prove who is infected or prove a patient has become bacteria-free; and

WHEREAS, Lyme disease was first described in Germany in 1883, the first US-acquired case was described by a Wisconsin physician in 1970; and

WHEREAS, the best solution to the disease is prevention through awareness; and

WHEREAS, awareness through education is essential to making the general public, healthcare professionals, employers, and insurers more knowledgeable about the seriousness of tick-borne diseases and more compassionate toward patients and their families; and

WHEREAS, people need to conduct prevention techniques to prevent other tick transmitted diseases, such as ehrlichiosis, babesiosis, tularemia, Rocky Mountain spotted fever, tick paralysis, Colorado tick fever, and relapsing fever; and

WHEREAS, the best prevention against these diseases is tick-reduction property management, tick-bite prevention, and proper

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tick removal; and

WHEREAS, prevention measures can significantly help reduce the number of people who have the disease, no one control method offers a perfect solution to all tick spread diseases; and

WHEREAS, Illinois has had 220 reported cases, which is only a fraction of the people affected by the disease in this state; and

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That May is declared Lyme Disease Awareness Month. And, be it resolved that organizations and support groups that help educate the public regarding prevention, early detection, and management of the aforementioned diseases are honored for their efforts; and

RESOLVED, that Willy Burgdorfer, PhD, MD (hon), a Montana researcher who is Scientist Emeritus of the National Institutes of Health and founding board member of the first organization dedicated to Lyme disease - the Lyme Disease Foundation - is honored for his discovery of the causative agent of Lyme disease and his dedication to improving Public Health.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 287

A bill for AN ACT to amend the Public Utilities Act by adding Section 13-301.5.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 287.

Non-concurred in by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 287**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1079

A bill for AN ACT to amend the Criminal Code of 1961 by adding Section 11-9.4.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1079.

Non-concurred in by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1079**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

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Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 1812

A bill for AN ACT to amend the School Code by changing Section 10-17a.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1812.  
Senate Amendment No. 2 to HOUSE BILL NO. 1812.

Non-concurred in by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1812**, with Senate Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendments numbered 1 and 2 to a bill of the following title, to-wit:

HOUSE BILL NO. 523

A bill for AN ACT to amend the Illinois Municipal Code by changing Sections 8-11-1.1, 8-11-1.3, 8-11-1.4, and 8-11-1.5.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Mautino, Giles, Currie; Tenhouse and Mathias.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 733

A bill for AN ACT to amend the Health Care Facilities Planning Act by changing Section 4.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Woolard, Currie, Hannig; Tenhouse and Winkel.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the

House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between

the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 1134

A bill for AN ACT to amend the School Code by changing Section 18-8.05.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Crotty, Currie, Woolard; Tenhouse and Jerry Mitchell.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 1845

A bill for AN ACT to amend the Illinois Marriage and Dissolution of Marriage Act by changing Section 607.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Woolard, Dart, Currie; Tenhouse and Bassi.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

**CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS  
ON SECRETARY'S DESK**

On motion of Senator Sieben, **House Bill No. 287**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sieben moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 287 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Mahar, Maitland, Bowles and Shaw.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator O'Malley, **House Bill No. 1079**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator O'Malley moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 1079 and that a First Committee of

Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the

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differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Dillard, Hawkinson, O'Malley, Cullerton and Molaro.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:35 o'clock p.m., Senator Dudycz presiding.

#### **LEGISLATIVE MEASURES FILED**

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to House Bill 134  
First Conference Committee Report to House Bill 452  
First Conference Committee Report to House Bill 2166

#### **JOINT ACTION MOTION FILED**

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

Motion to Recede from S.A.'s 1 & 2 to House Bill 1812

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

#### **HOUSE BILL 2733**

A bill for AN ACT to amend the School Code by changing Section 18-8.05.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2733.

Non-concurred in by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 2733**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has receded from their amendment no. 3 to a bill of the following title, to-wit:

SENATE BILL NO. 460

AN ACT to amend the Code of Civil Procedure by changing Sections 5-105 and 5-105.5.

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Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has receded from their amendment no. 1 to a bill of the following title, to-wit:

SENATE BILL NO. 1207

AN ACT concerning the John Joseph Kelly Veteran's Home, amending named Acts.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, 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 953

A bill for AN ACT to amend the Election Code by changing Section 7-6.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 953.

Concurred in by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 2:55 o'clock p.m., Senator Donahue presiding.

**REPORTS FROM RULES COMMITTEE**

Senator Weaver, Chairperson of the Committee on Rules, reported that **Senate Resolutions numbered 133, 134, 135, 138, 140, 146, 147, 152, 156 and Senate Joint Resolution No. 39** having been referred to the Committee on Executive, recommends that the resolutions be re-referred from the Committee on Executive to the Committee on Rules

and have been approved for consideration by the Rules Committee and referred to the Senate floor for Consideration.

Under the rules, the foregoing resolutions were placed on the Calendar on the order of Resolutions - Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, during its May 26, 1999 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to concur with House Amendments numbered 1 and 3 to Senate Bill No. 1015.**

Financial Institutions: **Motion to concur with House Amendment No. 1 to Senate Bill No. 890.**

Senator Weaver, Chairperson of the Committee on Rules, during its May 26, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Education: **First Conference Committee Report to Senate Bill 648; First Conference Committee Report to Senate Bill 652; First Conference Committee Report to House Bill 1670.**

Executive: **First Conference Committee Report to House Bill 452.**

Insurance and Pensions: **First Conference Committee Report to House Bill 2166.**

Public Health and Welfare: **First Conference Committee Report to Senate Bill 965; First Conference Committee Report to House Bill 427.**

Revenue: **First Conference Committee Report to House Bill 134.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

First Conference Committee Report to Senate Bill 73

First Conference Committee Report to Senate Bill 171

First Conference Committee Report to Senate Bill 242

First Conference Committee Report to Senate Bill 1158

First Conference Committee Report to House Bill 1278

The foregoing conference committee reports were placed on the Senate Calendar.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motion has been approved for consideration:

Motion to Recede from S.A.'s 1 & 2 to House Bill 1812

The foregoing motion to recede was placed on the Secretary's Desk.

Senator Weaver, Chairperson of the Committee on Rules, reports

that the following Senate Bills are, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule; and have been referred to the indicated Standing Committees of the Senate:

Commerce and Industry: **Senate Bills numbered 14, 186 and 379.**  
Education: **Senate Bills numbered 390 and 553.**  
Executive: **Senate Bills numbered 106, 118, 207, 216, 649, 742, 779, 807, 1005, 1040, 1217 and 1218.**  
Judiciary: **Senate Bills numbered 540, 571, 792, 1083, 1157, 1175 and 1238.**  
Local Government: **Senate Bills numbered 279 and 352.**  
Revenue: **Senate Bills numbered 334, 810 and 900.**  
State Government Operations: **Senate Bill No. 927.**

Senator Weaver, Chairperson of the Committee on Rules, reports that the following House Bills are, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule; and have been referred to the indicated Standing Committees of the Senate:

Education: **House Bill No. 2045.**  
Executive: **House Bills numbered 77, 1176, 1628 and 1980.**  
Public Health and Welfare: **House Bills numbered 182 and 979.**  
State Government Operations: **House Bill No. 67.**

Senator Weaver, Chairperson of the Committee on Rules, reports that the following House Bills on the calendar order of second

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reading are, pursuant to Senate Rule 3-9(b), exempt from the automatic re-referral provision of that rule; and have been referred to the indicated Standing Committees of the Senate:

Financial Institutions: **House Bill No. 487.**  
Public Health and Welfare: **House Bill No. 1443.**

**CONSIDERATION OF SENATE AMENDMENT TO HOUSE BILL  
ON SECRETARY'S DESK**

On motion of Senator Weaver, **House Bill No. 2733**, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Weaver moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 2733 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Cronin, Karpel, Weaver, Berman and Demuzio.

Ordered that the Secretary inform the House of Representatives

thereof.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Bowles, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on Senate Amendment No. 2 to **House Bill No. 1278**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 1278

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendment No. 2 to House Bill 1278, recommend the following:

(1) that the House concur in Senate Amendment No. 2; and

(2) that House Bill 1278, AS AMENDED, be further amended, with reference to the page and line numbers of Senate Amendment No. 2, as follows:

by deleting lines 6 through 34 on page 6, all of page 7, and lines 1 through 8 on page 8; and

on page 11, by replacing lines 23 through 25 with the following:

"methyl benzyl ketone, phenylacetone, phenyl-2-propanone, or pseudoephedrine or any of"; and

on page 15, line 28, by replacing "(c), (d)," with "(c), (c-5), (d), (d-5),"; and

by deleting line 34 on page 23 and lines 1 through 8 on page 24; and on page 24, line 29, by replacing "(Source: P.A. 90-775, eff. 1-1-99.)" with the following:

"(Source: P.A. 90-775, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect January 1, 2000."

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s/Sen. Carl Hawkinson  
s/Sen. Kirk Dillard  
s/Sen. Ed Petka  
s/Sen. John Cullerton  
s/Sen. Ira Silverstein  
Committee for the Senate

s/Rep. Steve Davis  
s/Rep. Laren Beth Gash  
s/Rep. Louis Lang  
s/Rep. Richard Winkel  
Rep. Patricia Lindner  
Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays 2.

The following voted in the affirmative:

Berman                      Geo-Karis                      Mahar                      Shadid  
Bomke                      Halvorson                      Maitland                      Shaw

Bowles	Hawkinson	Molaro	Sieben
Burzynski	Hendon	Munoz	Silverstein
Clayborne	Jacobs	Myers	Smith
Cronin	Jones, E.	Noland	Sullivan
Cullerton	Jones, W.	Obama	Syverson
DeLeo	Karpiel	O'Daniel	Trotter
del Valle	Klemm	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rea	Welch
			Mr. President

The following voted in the negative:

Lauzen  
Rauschenberger

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on House Bill No. 1278.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Sieben, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 73**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 73

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 73, recommend the following:

- (1) that the Senate concur in House Amendment No. 1; and
- (2) that Senate Bill 73 be further amended, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 6, by deleting lines 17 through 28.

Submitted on May 26, 1999

s/Sen. Todd Sieben

s/Rep. Michael K. Smith

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s/Sen. N. Duane Noland  
s/Sen. Robert Madigan  
Sen. William O'Daniel  
s/Sen. Lawrence Walsh  
Committee for the Senate

s/Rep. Charles Hartke  
Rep. John "Phil" Novak  
s/Rep. William B. Black  
s/Rep. I. Ronald Lawfer  
Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on Senate Bill No. 73.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Klemm, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 171**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 171

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 171, recommend the following:

- (1) that the House recede from House Amendment No. 1; and
- (2) that Senate Bill 171 be amended on page 3, by replacing lines 14 through 30 with the following:

"Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position if the police department has fewer than 25 full-time police officers and for no more than 2 deputy chief positions if the police department has 25 or more full-time police officers. The deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any rank of sworn,

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full-time officers of the municipality's police department, but must have at least 5 years of full-time service as a police officer in that department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the deputy chief position."

Submitted on May 25, 1999

s/Sen. Dick Klemm  
s/Sen. Kirk Dillard  
s/Sen. Walter Dudycz  
s/Sen. William Shaw  
s/Sen. Lawrence Walsh  
 Committee for the Senate

s/Rep. Dan Reitz  
s/Rep. Calvin L. Giles  
s/Rep. Barbara Flynn Currie  
s/Rep. Dan Rutherford  
s/Rep. Brent Hassert  
 Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Syverson
del Valle	Klemm	O'Malley	Trotter
Demuzio	Lightford	Parker	Viverito
Dillard	Link	Peterson	Walsh, L.
Donahue	Luechtefeld	Petka	Walsh, T.
Dudycz	Madigan, L.	Radogno	Watson
Fawell	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

The following voted present:

Lauzen

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on Senate Bill No. 171.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Cullerton, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 242**, submitted the following Report of the First Conference Committee and moved its adoption:

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 242

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 242, recommend the following:

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- (1) that the Senate concur in House Amendment No. 1; and  
(2) that Senate Bill 242 be further amended as follows:  
in Section 5, Sec. 18.5, subsection (f), paragraph (4), item (vi), by deleting the sentence beginning "In the action".

Submitted on May 25, 1999

s/Sen. Carl Hawkinson

s/Sen. Ed Petka

s/Sen. Kirk Dillard

s/Sen. John Cullerton

s/Sen. Barack Obama

Committee for the Senate

s/Rep. Larry McKeon

s/Rep. Tom Dart

s/Rep. Barbara Flynn Currie

s/Rep. Art Tenhouse

s/Rep. John Turner

Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 2; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shaw
Bomke	Halvorson	Maitland	Sieben
Bowles	Hawkinson	Molaro	Silverstein
Burzynski	Hendon	Munoz	Smith
Clayborne	Jacobs	Myers	Sullivan
Cronin	Jones, E.	Noland	Syverson
Cullerton	Jones, W.	Obama	Trotter
DeLeo	Karpziel	O'Daniel	Viverito
del Valle	Klemm	Parker	Walsh, T.
Demuzio	Lightford	Peterson	Watson
Dillard	Link	Petka	Weaver
Donahue	Luechtefeld	Radogno	Welch
Dudycz	Madigan, L.	Rea	Mr. President
Fawell	Madigan, R.	Shadid	

The following voted in the negative:

Lauzen  
Walsh, L.

The following voted present:

O'Malley

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on Senate Bill No. 242.

Ordered that the Secretary inform the House of Representatives thereof.

Senator L. Walsh asked and obtained unanimous consent for the Journal to reflect that he inadvertently voted "No" instead of "Yes" on the First Conference Committee Report to **Senate Bill No. 242**.

#### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Noland moved that **Senate Resolution No. 133**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Noland moved that Senate Resolution No. 133 be adopted.

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The motion prevailed.  
And the resolution was adopted.

Senator Karpriel moved that **Senate Resolution No. 134**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Karpriel moved that Senate Resolution No. 134, be adopted. And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpriel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.  
And the resolution was adopted.

Senator Karpriel moved that **Senate Resolution No. 135**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Karpier moved that Senate Resolution No. 135, be adopted.  
And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rea
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpier	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

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And the resolution was adopted.

Senator Geo-Karis moved that **Senate Resolution No. 138**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Geo-Karis moved that Senate Resolution No. 138 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator O'Malley moved that **Senate Resolution No. 140**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator O'Malley moved that Senate Resolution No. 140 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Radogno moved that **Senate Resolution No. 152**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Radogno moved that Senate Resolution No. 152, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays 1; Present 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rea
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Molaro	Shaw
Burzynski	Hendon	Munoz	Sieben
Clayborne	Jacobs	Myers	Silverstein
Cronin	Jones, E.	Noland	Smith
Cullerton	Jones, W.	Obama	Sullivan
DeLeo	Karpiel	O'Daniel	Trotter
del Valle	Klemm	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Mr. President

The following voted in the negative:

Welch

The following voted present:

Lauzen

The motion prevailed.  
And the resolution was adopted.

Senator Parker moved that **Senate Resolution No. 156**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Parker moved that Senate Resolution No. 156 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Radogno moved that **Senate Joint Resolution No. 39**, on the

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Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Radogno moved that Senate Joint Resolution No. 39 be adopted.

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 3:27 o'clock p.m., Senator Watson presiding.

Senator Donahue moved that **Senate Resolution No. 146**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Donahue moved that Senate Resolution No. 146, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Mahar	Rea
Bomke	Hawkinson	Maitland	Shadid
Bowles	Hendon	Molaro	Shaw
Burzynski	Jacobs	Munoz	Sieben
Clayborne	Jones, E.	Myers	Silverstein
Cronin	Jones, W.	Noland	Smith
Cullerton	Karpiel	Obama	Sullivan
DeLeo	Klemm	O'Daniel	Syverson
del Valle	Lauzen	O'Malley	Trotter
Dillard	Lightford	Parker	Viverito
Donahue	Link	Peterson	Walsh, L.
Dudycz	Luechtefeld	Petka	Walsh, T.
Fawell	Madigan, L.	Radogno	Watson
Geo-Karis	Madigan, R.	Rauschenberger	Weaver
			Welch
			Mr. President

The motion prevailed.  
And the resolution was adopted.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Rauschenberger, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on House Amendment No. 1 to **Senate Bill No. 1158**, submitted the following Report of the First Conference Committee and moved its adoption:

91ST GENERAL ASSEMBLY  
CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 1158

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 1158, recommend the following:

- (1) that the House recede from House Amendment No. 1; and
- (2) that Senate Bill 1158 be amended as follows:

by replacing everything after the enacting clause with the following:

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"Section 5. The Illinois Administrative Procedure Act is amended by changing Sections 5-40, 5-60, 5-70, and 5-80 and by adding Sections 1-32 and 1-33 as follows:

(5 ILCS 100/1-32 new)

Sec. 1-32. "Illinois Administrative Code" means the compilation of all currently adopted State agency rules filed with the Secretary of State and maintained on the Illinois Administrative Code Database.

(5 ILCS 100/1-33 new)

Sec. 1-33. "Illinois Administrative Code Database" means the

electronically stored database of State agency rules maintained by the Legislative Information Service and the Joint Committee on Administrative Rules, in cooperation with the Secretary of State.

(5 ILCS 100/5-40) (from Ch. 127, par. 1005-40)

Sec. 5-40. General rulemaking.

(a) In all rulemaking to which Sections 5-45 and 5-50 do not apply, each agency shall comply with this Section.

(b) Each agency shall give at least 60 ~~45~~ days' notice of its intended action to the general public. This first notice period shall commence on the first day the notice appears in the Illinois Register. The first notice shall include all the following:

(1) The text of the proposed rule, the old and new materials of a proposed amendment, or the text of the provision to be repealed.

(2) The specific ~~statutory~~ citation, including Section, subsection, paragraph, and subparagraph, to the specific statute upon which the proposed rule, the proposed amendment to a rule, or the proposed repeal of a rule is based and by which it is authorized. For the purposes of this requirement, a citation to the agency's general rulemaking authority is generally not sufficient; the citation should be to the statute that most specifically authorizes the program.

(3) A complete description of the subjects and issues involved.

(4) For all proposed rules and proposed amendments to rules, an initial regulatory flexibility analysis containing a description of the types of small businesses subject to the rule; a brief description of the proposed reporting, bookkeeping, and other procedures required for compliance with the rule; and a description of the types of professional skills necessary for compliance.

(5) The time, place, and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

During the first notice period, the agency shall accept from any interested persons data, views, arguments, or comments. These may, in the discretion of the agency, be submitted either orally or in writing or both. The notice published in the Illinois Register shall indicate the manner selected by the agency for the submissions. The agency shall consider all submissions received.

The agency shall hold a public hearing on the proposed rulemaking during the first notice period if (i) during the first notice period, the agency finds that a public hearing would facilitate the submission of views and comments that might not otherwise be submitted or (ii) the agency receives a request for a public hearing, within the first 14 days after publication of the notice of proposed rulemaking in the Illinois Register, from 25 interested persons, an association representing at least 100 interested persons, the Governor, the Joint Committee on Administrative Rules, or a unit of local government that may be affected. At the public hearing, the agency shall allow interested persons to present views and comments on the proposed rulemaking. A public hearing in response to a

request for a hearing may not be held less than 20 days after the publication of the notice of proposed rulemaking in the Illinois Register unless notice of the public hearing is included in the notice of proposed rulemaking. A public hearing on proposed rulemaking may not be held less than 5 days before submission of the notice required under subsection (c) of this Section to the Joint Committee on Administrative Rules. Each agency may prescribe reasonable rules for the conduct of public hearings on proposed rulemaking to prevent undue repetition at the hearings. The hearings must be open to the public and recorded by stenographic or mechanical means. At least one agency representative shall be present during the hearing who is qualified to respond to general questions from the public regarding the agency's proposal and the rulemaking process.

(c) Each agency shall provide a second additional notice of the proposed rulemaking to the Joint Committee on Administrative Rules and the general public. Based on the submission, the Joint Committee on Administrative Rules shall prepare a second notice text of the rulemaking that includes the text as originally proposed with any modifications made by the agency during the first notice period, and shall submit it, along with a notice page prepared by the agency that indicates the changes made since the beginning of the first notice period, for publication in the Illinois Register. The second notice period shall commence on the first day the second notice appears in the Illinois Register. ~~The period commencing on the day written notice is received by the Joint Committee shall be known as the second notice period and shall expire 60 45 days thereafter unless before that time the agency and the Joint Committee have agreed to extend the second notice period beyond 60 45 days for a period not to exceed an additional 60 45 days or unless the agency has received a statement of objection from the Joint Committee or notification from the Joint Committee that no objection will be issued. Before the expiration of the 60-day extended notice period, the agency and the Joint Committee may agree to subsequent extensions not to exceed an additional 60 days each.~~ The written notice to the Joint Committee shall include (i) the text and location of any changes made to the proposed rulemaking during the first notice period in a form prescribed by the Joint Committee; (ii) for all proposed rules and proposed amendments to rules, a final regulatory flexibility analysis containing a summary of issues raised by small businesses during the first notice period and a description of actions taken on any alternatives to the proposed rule suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized; and (iii) if a written request has been made by the Joint Committee within 30 days after initial notice appears in the Illinois Register under subsection (b) of this Section, an analysis of the economic and budgetary effects of the proposed rulemaking. If the agency receives any comment with respect to the published second notice text before the Joint Committee formally considers the rule, the agency shall provide a written analysis of those comments to the Joint Committee. After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in response to an objection or suggestion of the Joint Committee. The agency shall also send a copy of the final regulatory flexibility analysis to each small business that has presented views or comments on the proposed rulemaking during the first notice period and to any other interested person who requests a copy. The agency may charge a reasonable fee for

providing the copies to cover postage and handling costs.

(d) After the expiration of the second notice period, after notification from the Joint Committee that no objection will be issued, or after a response by the agency to a statement of

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objections issued by the Joint Committee, whichever is applicable, the agency shall file, under Section 5-65 and Section 5-70, a certified copy of each rule, modification, or repeal of any rule adopted by it. The copy shall be published in the Illinois Register. Each rule hereafter adopted under this Section is effective upon filing unless a later effective date is required by statute or is specified in the rulemaking.

(e) No rule or modification or repeal of any rule may be adopted, or filed with the Secretary of State, more than one year after the date the first notice period for the rulemaking under subsection (b) commenced. Any period during which the rulemaking is prohibited from being filed under Section 5-115 shall not be considered in calculating this one-year time period.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-60) (from Ch. 127, par. 1005-60)

Sec. 5-60. Regulatory agenda. An agency shall submit for publication in the Illinois Register by January 1 and July 1 of each year a regulatory agenda to elicit public comments concerning any rule that the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. A regulatory agenda shall consist of summaries of those rules. Each summary shall, ~~in less than 2,000 words,~~ contain the following when practicable:

(1) A description of the rule.

(2) The statutory authority, including Section, subsection, paragraph, and subparagraph, the agency is exercising. For the purposes of this requirement, a citation to the agency's general rulemaking authority is generally not sufficient; the citation should be to the statute that most specifically authorizes the program.

(3) A schedule of the dates for any hearings, meetings, or other opportunities for public participation in the development of the rule.

(4) The date the agency anticipates submitting a notice of proposed rulemaking activity, if known.

(5) The name, address, and telephone number of the agency representative who is knowledgeable about the rule, from whom any information may be obtained, and to whom written comments may be submitted concerning the rule.

(6) A statement whether the rule will affect small businesses, not for profit corporations, or small municipalities as defined in this Act.

(7) Any other information that may serve the public interest.

Nothing in this Section shall preclude an agency from adopting a rule that has not been summarized in a regulatory agenda or from adopting a rule different than one summarized in a regulatory agenda if in the agency head's best judgment it is necessary. If an agency

finds that a situation exists that requires adoption of a rule that was not summarized on either of the 2 most recent regulatory agendas, it shall state its reasons in writing together with the facts that form their basis upon filing the notice of proposed rulemaking with the Secretary of State under Section 5-40. Nothing in this Section shall require an agency to adopt a rule summarized in a regulatory agenda. The Secretary of State shall adopt rules necessary for the publication of a regulatory agenda, including but not limited to standard submission forms and deadlines.

(Source: P.A. 87-823; 88-667, eff. 9-16-94.)

(5 ILCS 100/5-70) (from Ch. 127, par. 1005-70)

Sec. 5-70. Form and publication of notices.

(a) The Secretary of State may prescribe reasonable rules

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concerning the form of documents to be filed with the Secretary of State and may refuse to accept for filing certified copies that do not comply with the rules. To ensure uniformity throughout the Illinois Administrative Code and between the materials adopted by State agencies and the versions published for use by the public, rule text adopted by filing with the Secretary of State shall be created from the Illinois Administrative Code Database. In addition, the Secretary of State shall publish and maintain the Illinois Register and may prescribe reasonable rules setting forth the manner in which agencies shall submit notices required by this Act for publication in the Illinois Register. The Illinois Register shall be published at least once each week on the same day (unless that day is an official State holiday, in which case the Illinois Register shall be published on the next following business day) and sent to subscribers who subscribe for the publication with the Secretary of State. The Secretary of State may charge a subscription price to subscribers that covers mailing and publication costs.

(b) The Secretary of State shall accept for publication in the Illinois Register all Pollution Control Board documents, including but not limited to Board opinions, the results of Board determinations concerning adjusted standards proceedings, notices of petitions for individual adjusted standards, results of Board determinations concerning the necessity for economic impact studies, restricted status lists, hearing notices, and any other documents related to the activities of the Pollution Control Board that the Board deems appropriate for publication.

(Source: P.A. 87-823.)

(5 ILCS 100/5-80) (from Ch. 127, par. 1005-80)

Sec. 5-80. Publication of rules.

(a) The Secretary of State shall, by rule, prescribe a uniform system for the codification of rules. The Secretary of State shall also, by rule, establish a schedule for compliance with the uniform codification system. The Secretary of State shall not adopt any codification system or schedule under this subsection without the approval of the Joint Committee on Administrative Rules. Approval by the Joint Committee shall be conditioned solely upon establishing that the proposed codification system and schedule are compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly. Nothing in this Section

shall prohibit an agency from adopting rules in compliance with the codification system earlier than specified in the schedule.

(b) Each rule proposed in compliance with the codification system shall be reviewed by the Secretary of State before the expiration of the public notice period under subsection (b) of Section 5-40. The Secretary of State shall cooperate with agencies in the Secretary of State's review to insure that the purposes of the codification system are accomplished. The Secretary of State shall have the authority to make changes in the numbering and location of the rule in the codification scheme if those changes do not affect the meaning of the rules. The Secretary of State may recommend changes in the sectioning and headings proposed by the agency and suggest grammatical and technical changes to correct errors. The Secretary of State may add notes concerning the statutory authority, including Section, subsection, paragraph, and subparagraph, dates proposed and adopted, and other similar notes to the text of the rules, if the notes are not supplied by the agency. For the purposes of this requirement, a citation to the agency's general rulemaking authority is generally not sufficient; the citation should be to the statute that most specifically authorizes the program. This review by the Secretary of State shall be for the purpose of insuring the uniformity of and compliance with the codification system. The

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Secretary of State shall prepare indexes by agency, subject matter, and statutory authority and any other necessary indexes, tables, and other aids for locating rules to assist the public in the use of the Code.

(c) The Secretary of State shall make available to the agency and the Joint Committee on Administrative Rules copies of the changes in the numbering and location of the rule in the codification scheme, the recommended changes in the sectioning and headings, and the suggestions made concerning the correction of grammatical and technical errors or other suggested changes. The agency, in the notice required by subsection (c) of Section 5-40, shall provide to the Joint Committee a response to the recommendations of the Secretary of State including any reasons for not adopting the recommendations.

(d) If a reorganization of agencies, transfer of functions between agencies, or abolishment of agencies by executive order or law affects rules on file with the Secretary of State, the Secretary of State shall notify the Governor, the Attorney General, and the agencies involved of the effects upon the rules on file. If the Governor or the agencies involved do not respond to the Secretary of State's notice within 45 days by instructing the Secretary of State to delete or transfer the rules, the Secretary of State may delete or place the rules under the appropriate agency for the purpose of insuring the consistency of the codification scheme and shall notify the Governor, the Attorney General, and the agencies involved.

(e) (Blank).

(f) The Secretary of State shall ensure that the Illinois Administrative Code is published and made available to the public in a form that is updated at least annually. The Code shall contain the complete text of all rules of all State agencies filed with the

Secretary's office and effective on October 1, 1984, or later and the indexes, tables, and other aids for locating rules prepared by the Secretary of State. The Secretary of State shall design the Illinois Register to supplement the Code. The Secretary of State shall ensure that copies of the Illinois Register are available to the public and governmental entities and agencies.

If the Secretary of State determines that the Secretary's office will publish and distribute either the Register or the Code, the Secretary shall make copies available to the public at a reasonable fee, established by the Secretary by rule, and shall make copies available to governmental entities and agencies at a price covering publication and mailing costs only.

The Secretary of State shall make the electronically stored database of the Illinois Register and the Code available in accordance with this Section and Section 5.08 of the Legislative Information System Act.

(g) The publication of a rule in the Code or in the Illinois Register as an adopted rule shall establish a rebuttable presumption that the rule was duly filed and that the text of the rule as published in the Code is the text of the rule as adopted. Publication of the text of a rule in any other location whether by the agency or some other person shall not be taken as establishing such a presumption. Judicial or official notice shall be taken of the text of each rule published in the Code or Register.

(h) The codification system, the indexes, tables, and other aids for locating rules prepared by the Secretary of State, notes, and other materials developed under this Section in connection with the publication of the Illinois Administrative Code and the Illinois Register shall be the official compilations of the administrative rules of Illinois and shall be entirely in the public domain for purposes of federal copyright law.

(i) The Legislative Information System shall maintain on its electronic data processing equipment the complete text of the Illinois Register and Illinois Administrative Code created in compliance with this Act. This electronic information shall be made available for use in the publication of the Illinois Register and Illinois Administrative Code by the Secretary of State if the Secretary determines that his office will publish these materials as authorized by subsection (f).

(j) The Legislative Information System, upon consultation with the Joint Committee on Administrative Rules and the Secretary of State, shall make the electronically stored database of the Illinois Register and the Illinois Administrative Code available in an electronically stored medium to those who request it. The Legislative Information System shall establish and charge a reasonable fee for providing the electronic information. Amounts received under this Section shall be deposited into the General Assembly Computer Equipment Revolving Fund.

(Source: P.A. 87-823; 88-535; revised 10-31-98.)

Section 99. Effective date. This Act takes effect upon becoming law, except that the changes to Section 5-70 of the Illinois Administrative Procedure Act and the provisions adding Sections 1-32

and 1-33 to the Illinois Administrative Procedure Act take effect April 1, 2000.".

Submitted on May 26, 1999

<u>s/Sen. Steven Rauschenberger</u>	<u>Rep. Larry McKeon</u>
<u>s/Sen. Thomas J. Walsh</u>	<u>Rep. Ricca C. Slone</u>
<u>s/Sen. Adeline Geo-Karis</u>	<u>s/Rep. Gary Hannig</u>
<u>s/Sen. Louis Viverito</u>	<u>Rep. Dan Rutherford</u>
<u>s/Sen. Kimberly A. Lightford</u>	<u>Rep. Thomas W. Ryder</u>
Committee for the Senate	Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 6; Nays 34; Present 11.

The following voted in the affirmative:

Bowles  
Cronin  
Munoz  
Peterson  
Welch  
Mr. President

The following voted in the negative:

Berman	Geo-Karis	Maitland	Radogno
Burzynski	Jacobs	Molaro	Rauschenberger
Clayborne	Jones, E.	Myers	Rea
DeLeo	Jones, W.	Noland	Shadid
del Valle	Karpiel	Obama	Shaw
Dillard	Lauzen	O'Daniel	Sieben
Dudycz	Link	Parker	Silverstein
Fawell	Mahar	Petka	Smith
			Sullivan
			Walsh, T.

The following voted present:

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Bomke	Klemm	Trotter	Watson
Donahue	Madigan, L.	Viverito	Weaver
Hawkinson	O'Malley	Walsh, L.	

The motion lost.

Senator Rauschenberger moved that a Second Conference Committee be appointed to adjust the differences between the two Houses on House Amendment No. 1 to Senate Bill No. 1158.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Geo-Karis, Rauschenberger, T. Walsh, Obama and Viverito.

Ordered that the Secretary inform the House of Representatives

thereof.

#### LEGISLATIVE MEASURES FILED

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 24  
First Conference Committee Report to Senate Bill 27  
First Conference Committee Report to Senate Bill 53  
First Conference Committee Report to Senate Bill 392  
First Conference Committee Report to Senate Bill 1202  
First Conference Committee Report to House Bill 542  
First Conference Committee Report to House Bill 1845

#### JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 4 to Senate Bill 876

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

Senator Demuzio asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 3:56 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 5:35 o'clock p.m., the Senate resumed consideration of business.

Senator Geo-Karis presiding.

#### REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 26, 1999 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Environment and Energy: **First Conference Committee Report to Senate Bill 24.**

Judiciary: **First Conference Committee Report to Senate Bill 27; First Conference Committee Report to Senate Bill 392.**

Local Government: **First Conference Committee Report to Senate**

**Bill 1202.**

Revenue: **First Conference Committee Report to Senate Bill 53;**  
**First Conference Committee Report to House Bill 542.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

First Conference Committee Report to House Bill 1845

The foregoing conference committee report was placed on the Senate Calendar.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motion has been approved for consideration:

Motion to concur with House Amendment 4 to Senate Bill 876

The foregoing concurrence was placed on the Secretary's Desk.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 2 to a bill of the following title, to-wit:

SENATE BILL NO. 457

A bill for AN ACT to amend the Illinois Plumbing License Law.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Madigan, Scott, Currie; Rutherford and Hassert.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Geo-Karis, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendment No. 2 to **Senate Bill No. 457**, was taken up for immediate consideration.

Senator Geo-Karis moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 2 to Senate Bill No. 457.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Burzynski, Radogno, Syverson, Hendon and Silverstein.

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Ordered that the Secretary inform the House of Representatives thereof.

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

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

SENATE BILL NO. 311

A bill for AN ACT to amend the Civil Administrative Code of Illinois by changing Section 49.13.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 311

Passed the House, as amended, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 311

AMENDMENT NO. 3. Amend Senate Bill 311 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Section 49.13 as follows:

(20 ILCS 2705/49.13) (from Ch. 127, par. 49.13)

Sec. 49.13. Lease of property.

(a) From time to time to lease any land or property, with or without appurtenances, of which the Department has jurisdiction, and which are not immediately to be used or developed by the State; provided that no such lease be for a longer period of time than that in which it can reasonably be expected the State will not have use for such property, and further provided that no such lease be for a longer period of time than 5 years, except as provided in subsection (b).

(b) In counties with a population of not less than 500,000 and not more than 800,000, a lease to any other department of State government, any authority, commission, or agency of the State, or a municipality, county, or township of the State, including in any land lease the corresponding vertical rights, subterranean and air rights, and sublease rights, may be for a period of time no longer than 55 years.

(Source: Laws 1953, p. 1443.)".

Under the rules, the foregoing **Senate Bill No. 311**, with House Amendment No. 3, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

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

SENATE BILL NO 1125

A bill for AN ACT to amend the Redevelopment Project Rehousing Act by changing the title and Sections 0.01 and 2.

Passed the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

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A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to SENATE BILL NO. 73

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 73

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 73, recommend the following:

(1) that the Senate concur in House Amendment No. 1; and

(2) that Senate Bill 73 be further amended, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 6, by deleting lines 17 through 28.

Submitted on May 25, 1999.

s/Sen. Todd Sieben

s/Sen. N. Duane Noland

Sen. Robert Madigan

Sen. William O'Daniel

s/Sen. Lawrence Walsh

Committee for the Senate

s/Rep. Michael K. Smith

s/Rep. Charles Hartke

Rep. Phil Novak

s/Rep. William B. Black

s/Rep. I. Ronald Lawfer

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to SENATE BILL NO. 171

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT

ON SENATE BILL 171

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 171, recommend the following:

- (1) that the House recede from House Amendment No. 1; and
- (2) that Senate Bill 171 be amended on page 3, by replacing lines 14 through 30 with the following:

"Notwithstanding any other provision of this Section, a non-homerule municipality of 130,000 or fewer inhabitants, through its council or board of trustees, may, by ordinance, provide for a position of deputy chief to be appointed by the chief of the police department. The ordinance shall provide for no more than one deputy chief position if the police department has fewer than 25 full-time police officers and for no more than 2 deputy chief positions if the police department has 25 or more full-time police officers. The

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deputy chief position shall be an exempt rank immediately below that of Chief. The deputy chief may be appointed from any rank of sworn, full-time officers of the municipality's police department, but must have at least 5 years of full-time service as a police officer in that department. A deputy chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the deputy chief position."

Submitted on May 26, 1999.

s/Sen. Dick Klemm

s/Sen. Kirk Dillard

s/Sen. Walter Dudycz

s/Sen. William Shaw

s/Sen. Lawrence Walsh

Committee for the Senate

s/Rep. Dan Reitz

s/Rep. Calvin Giles

s/Rep. Barbara Flynn Currie

s/Rep. Dan Rutherford

s/Rep. Brent Hassert

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to SENATE BILL NO. 648

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 648

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendments Nos. 1 and 2 to Senate Bill 648, recommend the following:

- (1) that the House recede from House Amendments Nos. 1 and 2;

and

(2) that Senate Bill 648 be amended as follows:  
on page 1, line 22, by deleting "except as"; and  
on page 1, line 23, by deleting "otherwise provided in this subsection (b)"; and  
on page 2, by replacing lines 2 through 7 with "State."; and on page 16, line 22, after the period, by inserting "Transition impact aid shall be paid beginning in the 1999-2000 school year for charter schools that are in the first, second, or third year of their initial term. If House Bill 230 of the 91st General Assembly becomes law, transition impact aid shall not be paid for any charter school that is proposed and created by one or more boards of education, as authorized under the provisions of House Bill 230 of the 91st General Assembly."; and  
on page 17, line 24, after the period, by inserting "The State Board may use up to 3% of the appropriation to contract with a non-profit entity to administer the loan program."; and  
on page 20, immediately below line 15, by inserting the following:  
"Section 99. Effective date. This Act takes effect upon becoming law."

Submitted on May 25, 1999.

s/Sen. Pat O'Malley  
s/Sen. Dan Cronin  
s/Sen. Frank Watson  
s/Sen. Arthur Berman  
s/Sen. Antonio Munoz

s/Rep. Barbara Flynn Currie  
s/Rep. Larry D. Woolard  
s/Rep. Gary Hannig  
s/Rep. Art Tenhouse  
s/Rep. Carolyn H. Krause

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Committee for the Senate

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to SENATE BILL NO. 656

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 656

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to House Amendment No. 1 to Senate Bill 656, recommend the following:

(1) that the House recede from House Amendment No. 1; and  
(2) that Senate Bill 656 be amended on page 2, by replacing lines 18 through 31 with the following:

"In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing

in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, ~~or~~ banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, and in each of these cases either ~~case~~ if the sale of alcoholic liquors is not the principal business carried on by the licensee ~~license~~."

Submitted on May 26, 1999.

s/Sen. Steve Rauschenberger  
s/Sen. Chris Lauzen  
s/Sen. Dan Cronin  
s/Sen. Debbie Halvorson  
s/Sen. Louis Viverito

Committee for the Senate

s/Rep. John Fritchey  
s/Rep. Daniel Burke  
s/Rep. Barbara Currie  
s/Rep. Tom Cross

s/Rep. Angelo Saviano

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to HOUSE BILL NO. 427

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY

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FIRST CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 427

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendment No. 1 to House Bill 427, recommend the following:

(1) that the Senate recede from Senate Amendment No. 1; and

(2) that House Bill 427 be amended as follows:

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Assisted Living and Shared Housing Act.

Section 5. Legislative purpose. The purpose of this Act is to permit the development and availability of assisted living establishments and shared housing establishments based on a social model that promotes the dignity, individuality, privacy, independence, autonomy, and decision-making ability and the right to

negotiated risk of those persons; to provide for the health, safety, and welfare of those residents residing in assisted living and shared housing establishments in this State; to promote continuous quality improvement in assisted living; and to encourage the development of innovative and affordable assisted living establishments and shared housing with service establishments for elderly persons of all income levels. It is the public policy of this State that assisted living is an important part of the continuum of long term care. In support of the goal of aging in place within the parameters established by this Act, assisted living and shared housing establishments shall be operated as residential environments with supportive services designed to meet the individual resident's changing needs and preferences. The residential environment shall be designed to encourage family and community involvement. The services available to residents, either directly or through contracts or agreements, are intended to help residents remain as independent as possible. Assisted living, which promotes resident choice, autonomy, and decision making, should be based on a contract model designed to result in a negotiated agreement between the resident or the resident's representative and the provider, clearly identifying the services to be provided. This model assumes that residents are able to direct services provided for them and will designate a representative to direct these services if they themselves are unable to do so. This model supports the principle that there is an acceptable balance between consumer protection and resident willingness to accept risk and that most consumers are competent to make their own judgments about the services they are obtaining. Regulation of assisted living establishments and shared housing establishments must be sufficiently flexible to allow residents to age in place within the parameters of this Act. The administration of this Act and services provided must therefore ensure that the residents have the rights and responsibilities to direct the scope of services they receive and to make individual choices based on their needs and preferences. These establishments shall be operated in a manner that provides the least restrictive and most homelike environment and that promotes independence, autonomy, individuality, privacy, dignity, and the right to negotiated risk in residential surroundings. It is not the intent of the State that establishments licensed under this Act be used as halfway houses for alcohol and substance abusers.

Section 10. Definitions. For purposes of this Act:

"Activities of daily living" means eating, dressing, bathing, toileting, transferring, or personal hygiene.

"Advisory Board" means the Assisted Living and Shared Housing

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Advisory Board.

"Assisted living establishment" or "establishment" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

(1) services consistent with a social model that is based on the premise that the resident's unit in assisted living and

shared housing is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and

(4) a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted living establishment" or "establishment" does not mean any of the following:

(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the

Hospice Program Licensing Act.

(11) A shared housing establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Emergency situation" means imminent danger of death or serious physical harm to a resident of an establishment.

"License" means any of the following types of licenses issued to an applicant or licensee by the Department:

(1) "Probationary license" means a license issued to an applicant or licensee that has not held a license under this Act prior to its application or pursuant to a license transfer in accordance with Section 50 of this Act.

(2) "Regular license" means a license issued by the Department to an applicant or licensee that is in substantial compliance with this Act and any rules promulgated under this Act.

"Licensee" means a person, agency, association, corporation, partnership, or organization that has been issued a license to operate an assisted living or shared housing establishment.

"Licensed health care professional" means a registered professional nurse, an advanced practice nurse, a physician assistant, and a licensed practical nurse.

"Mandatory services" include the following:

(1) 3 meals per day available to the residents prepared by the establishment or an outside contractor;

(2) housekeeping services including, but not limited to, vacuuming, dusting, and cleaning the resident's unit;

(3) personal laundry and linen services available to the residents provided or arranged for by the establishment;

(4) security provided 24 hours each day including, but not limited to, locked entrances or building or contract security personnel;

(5) an emergency communication response system, which is a procedure in place 24 hours each day by which a resident can notify building management, an emergency response vendor, or others able to respond to his or her need for assistance; and

(6) assistance with activities of daily living as required by each resident.

"Negotiated risk" is the process by which a resident, or his or her representative, may formally negotiate with providers what risks each are willing and unwilling to assume in service provision and the resident's living environment. The provider assures that the resident and the resident's representative, if any, are informed of the risks of these decisions and of the potential consequences of assuming these risks.

"Owner" means the individual, partnership, corporation, association, or other person who owns an assisted living or shared housing establishment. In the event an assisted living or shared housing establishment is operated by a person who leases or manages the physical plant, which is owned by another person, "owner" means the person who operates the assisted living or shared housing establishment, except that if the person who owns the physical plant is an affiliate of the person who operates the assisted living or shared housing establishment and has significant control over the day

to day operations of the assisted living or shared housing establishment, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under this Act.

"Physician" means a person licensed under the Medical Practice

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Act of 1987 to practice medicine in all of its branches.

"Resident" means a person residing in an assisted living or shared housing establishment.

"Resident's representative" means a person, other than the owner, agent, or employee of an establishment or of the health care provider unless related to the resident, designated in writing by a resident to be his or her representative. This designation may be accomplished through the Illinois Power of Attorney Act, pursuant to the guardianship process under the Probate Act of 1975, or pursuant to an executed designation of representative form specified by the Department.

"Self" means the individual or the individual's designated representative.

"Shared housing establishment" or "establishment" means a publicly or privately operated free-standing residence for 12 or fewer persons, at least 80% of whom are 55 years of age or older and who are unrelated to the owners and one manager of the residence, where the following are provided:

(1) services consistent with a social model that is based on the premise that the resident's unit is his or her own home;

(2) community-based residential care for persons who need assistance with activities of daily living, including housing and personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident; and

(3) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or the resident's representative.

"Shared housing establishment" or "establishment" does not mean any of the following:

(1) A home, institution, or similar place operated by the federal government or the State of Illinois.

(2) A long term care facility licensed under the Nursing Home Care Act. A long term care facility may, however, convert sections of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing beds that were converted.

(3) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.

(4) A facility for child care as defined in the Child Care Act of 1969.

(5) A community living facility as defined in the Community Living Facilities Licensing Act.

(6) A nursing home or sanitarium operated solely by and for

persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

(7) A facility licensed by the Department of Human Services as a community-intergrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.

(8) A supportive residence licensed under the Supportive Residences Licensing Act.

(9) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.

(10) A free-standing hospice facility licensed under the Hospice Program Licensing Act.

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(11) An assisted living establishment.

(12) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

"Total assistance" means that staff or another individual performs the entire activity of daily living without participation by the resident.

Section 15. Assessment and service plan requirements. Prior to admission to any establishment covered by this Act, a comprehensive assessment that includes an evaluation of the prospective resident's physical, cognitive, and psychosocial condition shall be completed. At least annually, a comprehensive assessment shall be completed, and upon identification of a significant change in the resident's condition, the resident shall be reassessed. The Department may by rule specify circumstances under which more frequent assessments of skin integrity and nutritional status shall be required. The comprehensive assessment shall be completed by a physician. Based on the assessment, a written service plan shall be developed and mutually agreed upon by the provider and the resident. The service plan, which shall be reviewed annually, or more often as the resident's condition, preferences, or service needs change, shall serve as a basis for the service delivery contract between the provider and the resident. Based on the assessment, the service plan may provide for the disconnection or removal of any appliance.

Section 20. Construction and operating standards. The Department, in consultation with the Advisory Board, shall prescribe minimum standards for establishments. These standards shall include:

(1) the location and construction of the establishment, including plumbing, heating, lighting, ventilation, and other physical conditions which shall ensure the health, safety, and comfort of residents and their protection from fire hazards; these standards shall include, at a minimum, compliance with the residential board and care occupancies chapter of the National Fire Protection Association's Life Safety Code, local and State building codes for the building type, and accessibility standards of the Americans with Disabilities Act;

(2) the number and qualifications of all personnel having responsibility for any part of the services provided for residents;

(3) all sanitary conditions within the establishment and its surroundings, including water supply, sewage disposal, food handling, infection control, and general hygiene, which shall ensure the health and comfort of residents;

(4) a program for adequate maintenance of physical plant and equipment;

(5) adequate accommodations, staff, and services for the number and types of residents for whom the establishment is licensed;

(6) the development of evacuation and other appropriate safety plans for use during weather, health, fire, physical plant, environmental, and national defense emergencies; and

(7) the maintenance of minimum financial and other resources necessary to meet the standards established under this Section and to operate the establishment in accordance with this Act.

Section 25. License requirement. No person may establish, operate, maintain, or offer an establishment as an assisted living establishment or shared housing establishment as defined by the Act within this State unless and until he or she obtains a valid license, which remains unsuspended, unrevoked, and unexpired. No public official or employee may place any person in, or recommend that any person be placed in, or directly or indirectly cause any person to

be placed in any establishment that is being operated without a valid license. An entity that operates as an assisted living or shared housing establishment as defined by this Act without a license shall be subject to the provisions, including penalties, of the Nursing Home Care Act. No entity shall use in its name or advertise "assisted living" unless licensed as an assisted living establishment under this Act or as a shelter care facility under the Nursing Home Care Act that also meets the definition of an assisted living establishment under this Act, except a shared housing establishment licensed under this Act may advertise assisted living services.

Section 30. Licensing.

(a) The Department, in consultation with the Advisory Board, shall establish by rule forms, procedures, and fees for the annual licensing of assisted living and shared housing establishments; shall establish and enforce sanctions and penalties for operating in violation of this Act, as provided in Section 135 of this Act and rules adopted under Section 110 of this Act. The Department shall conduct an annual on-site review for each establishment covered by this Act, which shall include, but not be limited to, compliance with this Act and rules adopted hereunder, focus on solving resident issues and concerns, and the quality improvement process implemented by the establishment to address resident issues. The quality improvement process implemented by the establishment must benchmark performance, be customer centered, be data driven, and focus on resident satisfaction.

(b) An establishment shall provide the following information to the Department to be considered for licensure:

(1) the business name, street address, mailing address, and telephone number of the establishment;

(2) the name and mailing address of the owner or owners of the establishment and if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;

(3) financial information, content and form to be determined by rules which may provide different standards for assisted living establishments and shared housing establishments, establishing that the project is financially feasible;

(4) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if different from the owner or owners, and the name of the full-time director;

(5) verification that the establishment has entered or will enter into a service delivery contract as provided in Section 90, as required under this Act, with each resident or resident's representative;

(6) the name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in this Act, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;

(7) the signature of the authorized representative of the owner or owners;

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(8) proof of an ongoing quality improvement program in accordance with rules adopted by the Department in collaboration with the Advisory Board;

(9) information about the number and types of units, the maximum census, and the services to be provided at the establishment, proof of compliance with applicable State and local residential standards, and a copy of the standard contract offered to residents;

(10) documentation of adequate liability insurance; and

(11) other information necessary to determine the identity and qualifications of an applicant or licensee to operate an establishment in accordance with this Act as required by the Department by rule.

(c) The information in the statement of ownership shall be public information and shall be available from the Department.

Section 35. Issuance of license.

(a) Upon receipt and review of an application for a license and review of the applicant establishment, the Director may issue a license if he or she finds:

(1) that the individual applicant, or the corporation,

partnership, or other entity if the applicant is not an individual, is a person responsible and suitable to operate or to direct or participate in the operation of an establishment by virtue of financial capacity, appropriate business or professional experience, a record of lawful compliance with lawful orders of the Department and lack of revocation of a license issued under this Act or the Nursing Home Care Act during the previous 5 years;

(2) that the establishment is under the supervision of a full-time director who is at least 21 years of age with ability, training, and education appropriate to meet the needs of the residents and to manage the operations of the establishment and who participates in ongoing training for these purposes;

(3) that the establishment has staff sufficient in number with qualifications, adequate skills, education, and experience to meet the 24 hour scheduled and unscheduled needs of residents and who participate in ongoing training to serve the resident population;

(4) that direct care staff meet the requirements of the Health Care Worker Background Check Act;

(5) that the applicant is in substantial compliance with this Act and such other requirements for a license as the Department by rule may establish under this Act;

(6) that the applicant pays all required fees;

(7) that the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act.

Any license issued by the Director shall state the physical location of the establishment, the date the license was issued, and the expiration date. All licenses shall be valid for one year, except as provided in Section 40. Each license shall be issued only for the premises and persons named in the application, and shall not be transferable or assignable.

Section 40. Probationary licenses. If the applicant has not been previously licensed under this Act or if the establishment is not in operation at the time the application is made, the Department may issue a probationary license. A probationary license shall be valid for 120 days unless sooner suspended or revoked. Within 30 days prior to the termination of a probationary license, the Department shall fully and completely review the establishment and, if the establishment meets the applicable requirements for licensure,

shall issue a license. If the Department finds that the establishment does not meet the requirements for licensure, but has made substantial progress toward meeting those requirements, the license may be renewed once for a period not to exceed 120 days from the expiration date of the initial probationary license.

Section 45. Renewal of licenses. At least 120 days, but not more than 150 days prior to license expiration, the licensee shall submit an application for renewal of the license in such form and containing such information as the Department requires. If the application is approved, the license shall be renewed for an additional one-year period. If appropriate, the renewal application

shall not be approved unless the applicant has provided to the Department an accurate disclosure document in accordance with the Alzheimer's Special Care Disclosure Act. If the application for renewal is not timely filed, the Department shall so inform the licensee.

Section 50. Transfer of ownership.

(a) Whenever ownership of an establishment is transferred from the person named in the license to any other person, the transferee must obtain a new probationary license. The transferee shall notify the Department of the transfer and apply for a new license at least 30 days prior to final transfer.

(b) The transferor shall notify the Department at least 30 days prior to final transfer. The transferor shall remain responsible for the operation of the establishment until such time as a license is issued to the transferee.

Section 55. Grounds for denial of a license. An application for a license may be denied for any of the following reasons:

(1) failure to meet any of the standards set forth in this Act or by rules adopted by the Department under this Act;

(2) conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or if a corporation, the conviction of the corporation or any of its officers or stockholders, or of the person designated to manage or supervise the establishment, of a felony or of 2 or more misdemeanors involving moral turpitude during the previous 5 years as shown by a certified copy of the record of the court of conviction;

(3) personnel insufficient in number or unqualified by training or experience to properly care for the residents;

(4) insufficient financial or other resources to operate and conduct the establishment in accordance with standards adopted by the Department under this Act;

(5) revocation of a license during the previous 5 years, if such prior license was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant and such individual applicant, controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license; provided, however, that the denial of an application for a license pursuant to this Section must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of meeting or maintaining an establishment in accordance with the standards and rules adopted by the Department under this Act; or

(6) the establishment is not under the direct supervision of a full-time director, as defined by rule.

Section 60. Notice of denial; request for hearing; hearing.

(a) Immediately upon the denial of any application or reapplication for a license under this Act, the Department shall notify the applicant in writing. Notice of denial shall include a

clear and concise statement of the violations of this Act on which the denial is based and notice of the opportunity for a hearing. If

the applicant or licensee wishes to contest the denial of a license, it shall provide written notice to the Department of a request for a hearing within 10 days after receipt of the notice of denial. The Department shall commence a hearing under this Section.

(b) A request for a hearing by aggrieved persons shall be taken to the Department as follows:

(1) Upon the receipt of a request in writing for a hearing, the Director or a person designated in writing by the Director to act as a hearing officer shall conduct a hearing to review the decision.

(2) Before the hearing is held notice of the hearing shall be sent by the Department to the person making the request for the hearing and to the person making the decision which is being reviewed. In the notice the Department shall specify the date, time, and place of the hearing, which shall be held not less than 10 days after the notice is mailed or delivered. The notice shall designate the decision being reviewed. The notice may be served by delivering it personally to the parties or their representatives or by mailing it by certified mail to the parties' addresses.

(3) The Department shall commence the hearing within 30 days after the receipt of request for hearing. The hearing shall proceed as expeditiously as practicable, but in all cases shall conclude within 90 days after commencement.

(c) The Director or hearing officer shall permit any party to appear in person and to be represented by counsel at the hearing, at which time the applicant or licensee shall be afforded an opportunity to present all relevant matter in support of his or her position. In the event of the inability of any party or the Department to procure the attendance of witnesses to give testimony or produce books and papers, any party or the Department may take the deposition of witnesses in accordance with the provisions of the laws of this State. All testimony shall be reduced to writing, and all testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

(d) The Director or hearing officer shall make findings of fact in the hearing, and the Director shall render his or her decision within 30 days after the termination of the hearing, unless additional time not to exceed 90 days is required by him or her for a proper disposition of the matter. When the hearing has been conducted by a hearing officer, the Director shall review the record and findings of fact before rendering a decision. All decisions rendered by the Director shall be binding upon and complied with by the Department, the establishment, or the persons involved in the hearing, as appropriate to each case.

Section 65. Revocation, suspension, or refusal to renew license.

(a) The Department, after notice to the applicant or licensee, may suspend, revoke, or refuse to renew a license in any case in which the Department finds any of the following:

(1) that there has been a substantial failure to comply with this Act or the rules promulgated by the Department under this Act;

(2) that there has been a conviction of the licensee, or of the person designated to manage or supervise the establishment, of a felony or of 2 or more misdemeanors involving moral turpitude during the previous 5 years as shown by a certified

copy of the record of the court of conviction;

(3) that the personnel is insufficient in number or

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unqualified by training or experience to properly care for the number and type of residents served by the establishment;

(4) that the financial or other resources are insufficient to conduct and operate the establishment in accordance with standards promulgated by the Department under this Act; or

(5) that the establishment is not under the direct supervision of a full-time director, as defined by rule.

(b) Notice under this Section shall include a clear and concise statement of the violations on which the nonrenewal or revocation is based, the statute or rule violated, and notice of the opportunity for a hearing under Section 60.

(c) If an establishment desires to contest the nonrenewal or revocation of a license, the establishment shall, within 10 days after receipt of notice under subsection (b) of this Section, notify the Department in writing of its request for a hearing under Section 60. Upon receipt of the request the Department shall send notice to the establishment and hold a hearing as provided under Section 60.

(d) The effective date of nonrenewal or revocation of a license by the Department shall be any of the following:

(1) until otherwise ordered by the circuit court, revocation is effective on the date set by the Department in the notice of revocation, or upon final action after hearing under Section 60, whichever is later;

(2) until otherwise ordered by the circuit court, nonrenewal is effective on the date of expiration of any existing license, or upon final action after hearing under Section 60, whichever is later; however, a license shall not be deemed to have expired if the Department fails to timely respond to a timely request for renewal under this Act or for a hearing to contest nonrenewal; or

(3) the Department may extend the effective date of license revocation or expiration in any case in order to permit orderly removal and relocation of residents.

(e) The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Section 70. Service requirements. An establishment must provide all mandatory services and may provide optional services, including medication reminders, supervision of self-administered medication and medication administration as defined by this Section and nonmedical services defined by rule, whether provided directly by the establishment or by another entity arranged for by the establishment with the consent of the resident or the resident's representative.

For the purposes of this Section, "medication reminders" means reminding residents to take pre-dispensed, self-administered medication, observing the resident, and documenting whether or not the resident took the medication.

For the purposes of this Section, "supervision of self-administered medication" means assisting the resident with self-administered medication using any combination of the following: reminding residents to take medication, reading the medication label to residents, checking the self-administered medication dosage against the label of the medication, confirming that residents have obtained and are taking the dosage as prescribed, and documenting in writing that the resident has taken (or refused to take) the medication. If residents are physically unable to open the container, the container may be opened for them. Supervision of self-administered medication shall be under the direction of a

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licensed health care professional.

For the purposes of this Section, "medication administration" refers to a licensed health care professional employed by an establishment engaging in administering routine insulin and vitamin B-12 injections, oral medications, topical treatments, eye and ear drops, or nitroglycerin patches. Non-licensed staff may not administer any medication.

The Department shall specify by rule procedures for medication reminders, supervision of self-administered medication, and medication administration.

Nothing in this Act shall preclude a physician licensed to practice medicine in all its branches from providing services to any resident.

Section 75. Residency Requirements.

(a) No individual shall be accepted for residency or remain in residence if the establishment cannot provide or secure appropriate services, if the individual requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(b) Only adults may be accepted for residency.

(c) A person shall not be accepted for residency if:

(1) the person poses a serious threat to himself or herself or to others;

(2) the person is not able to communicate his or her needs and no resident representative residing in the establishment, and with a prior relationship to the person, has been appointed to direct the provision of services;

(3) the person requires total assistance with 2 or more activities of daily living;

(4) the person requires the assistance of more than one paid caregiver at any given time with an activity of daily living;

(5) the person requires more than minimal assistance in moving to a safe area in an emergency;

(6) the person has a severe mental illness, which for the purposes of this Section means a condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994), where

the individual is substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year, but does not mean Alzheimer's disease and other forms of dementia based on organic or physical disorders;

(7) the person requires intravenous therapy or intravenous feedings unless self-administered or administered by a qualified, licensed health care professional;

(8) the person requires gastrostomy feedings unless self-administered or administered by a licensed health care professional;

(9) the person requires insertion, sterile irrigation, and replacement of catheter, except for routine maintenance of urinary catheters, unless the catheter care is self-administered or administered by a licensed health care professional;

(10) the person requires sterile wound care unless care is self-administered or administered by a licensed health care professional;

(11) the person requires sliding scale insulin

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administration unless self-performed or administered by a licensed health care professional;

(12) the person is a diabetic requiring routine insulin injections unless the injections are self-administered or administered by a licensed health care professional;

(13) the person requires treatment of stage 3 or stage 4 decubitus ulcers or exfoliative dermatitis;

(14) the person requires 5 or more skilled nursing visits per week for conditions other than those listed in items (13) and (15) of this subsection for a period of 3 consecutive weeks or more except when the course of treatment is expected to extend beyond a 3 week period for rehabilitative purposes and is certified as temporary by a physician; or

(15) other reasons prescribed by the Department by rule.

(d) A resident with a condition listed in items (1) through (15) of subsection (c) shall have his or her residency terminated.

(e) Residency shall be terminated when services available to the resident in the establishment are no longer adequate to meet the needs of the resident. This provision shall not be interpreted as limiting the authority of the Department to require the residency termination of individuals.

(f) Subsection (d) of this Section shall not apply to terminally ill residents who receive or would qualify for hospice care coordinated by a hospice licensed under the Hospice Program Licensing Act or other licensed health care professional employed by a licensed home health agency and the establishment and all parties agree to the continued residency.

(g) Items (3), (4), (5), and (9) of subsection (c) shall not apply to a quadriplegic, paraplegic, or individual with neuro-muscular diseases, such as muscular dystrophy and multiple sclerosis, or other chronic diseases and conditions as defined by rule if the individual is able to communicate his or her needs and

does not require assistance with complex medical problems, and the establishment is able to accommodate the individual's needs. The Department shall prescribe rules pursuant to this Section that address special safety and service needs of these individuals.

(h) For the purposes of items (7) through (11) of subsection (c), a licensed health care professional may not be employed by the establishment. An agency or entity employing licensed health care professionals that has common ownership with an establishment shall not exclusively market services to that establishment. Nothing in this Section is meant to limit a resident's right to choose his or her health care provider.

Section 80. Involuntary termination of residency.

(a) Residency shall be involuntarily terminated only for the following reasons:

(1) as provided in Section 75 of this Act;

(2) nonpayment of contracted charges after the resident and the resident's representative have received a minimum of 30-days written notice of the delinquency and the resident or the resident's representative has had at least 15 days to cure the delinquency; or

(3) failure to execute a service delivery contract or to substantially comply with its terms and conditions, failure to comply with the assessment requirements contained in Section 15, or failure to substantially comply with the terms and conditions of the lease agreement.

(b) A 30 day written notice of residency termination shall be provided to the resident, the resident's representative, or both, and the long term care ombudsman, which shall include the reason for the pending action, the date of the proposed move, and a notice, the

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content and form to be set forth by rule, of the resident's right to appeal, the steps that the resident or the resident's representative must take to initiate an appeal, and a statement of the resident's right to continue to reside in the establishment until a decision is rendered. The notice shall include a toll free telephone number to initiate an appeal and a written hearing request form, together with a postage paid, pre-addressed envelope to the Department. If the resident or the resident's representative, if any, cannot read English, the notice must be provided in a language the individual receiving the notice can read or the establishment must provide a translator who has been trained to assist the resident or the resident's representative in the appeal process. In emergency situations as defined in Section 10 of this Act, the 30-day provision of the written notice may be waived.

(c) The establishment shall attempt to resolve with the resident or the resident's representative, if any, circumstances that if not remedied have the potential of resulting in an involuntary termination of residency and shall document those efforts in the resident's file. This action may occur prior to or during the 30 day notice period, but must occur prior to the termination of the residency. In emergency situations as defined in Section 10 of this Act, the requirements of this subsection may be waived.

(d) A request for a hearing shall stay an involuntary

termination of residency until a decision has been rendered by the Department, according to a process adopted by rule. During this time period, the establishment may not terminate or reduce any service for the purpose of making it more difficult or impossible for the resident to remain in the establishment.

(e) The establishment shall offer the resident and the resident's representative, if any, residency termination and relocation assistance including information on available alternative placement. Residents shall be involved in planning the move and shall choose among the available alternative placements except when an emergency situation makes prior resident involvement impossible. Emergency placements are deemed temporary until the resident's input can be sought in the final placement decision. No resident shall be forced to remain in a temporary or permanent placement.

(f) The Department may offer assistance to the establishment and the resident in the preparation of residency termination and relocation plans to assure safe and orderly transition and to protect the resident's health, safety, welfare, and rights. In nonemergencies, and where possible in emergencies, the transition plan shall be designed and implemented in advance of transfer or residency termination.

Section 85. Contract requirements. No entity may establish, operate, conduct, or maintain an establishment in this State unless a written service delivery contract is executed between the establishment and each resident or resident's representative in accordance with Section 90 and unless the establishment operates in accordance with the terms of the contract. The resident or the resident's representative shall be given a complete copy of the contract and all supporting documents and attachments and any changes whenever changes are made. If the resident does not understand English and if translated documents are not available, the establishment must explain its policies to a responsible relative or friend or another individual who has agreed to communicate the information to the resident.

Section 90. Contents of service delivery contract. A contract between an establishment and a resident must be entitled "assisted living establishment contract" or "shared housing establishment contract" as applicable, shall be printed in no less than 12 point

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type, and shall include at least the following elements in the body or through supporting documents or attachments:

(1) the name, street address, and mailing address of the establishment;

(2) the name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, the type of business entity of the owner or owners;

(3) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if the managing agent is different from the owner or owners;

(4) the name and address of at least one natural person who is authorized to accept service on behalf of the owners and managing agent;

(5) a statement describing the license status of the establishment and the license status of all providers of health-related or supportive services to a resident under arrangement with the establishment;

(6) the duration of the contract;

(7) the base rate to be paid by the resident and a description of the services to be provided as part of this rate;

(8) a description of any additional services to be provided for an additional fee by the establishment directly or by a third party provider under arrangement with the establishment;

(9) the fee schedules outlining the cost of any additional services;

(10) a description of the process through which the contract may be modified, amended, or terminated;

(11) a description of the establishment's complaint resolution process available to residents and notice of the availability of the Department on Aging's Senior Helpline for complaints;

(12) the name of the resident's designated representative, if any;

(13) the resident's obligations in order to maintain residency and receive services including compliance with all assessments required under Section 15;

(14) the billing and payment procedures and requirements;

(15) a statement affirming the resident's freedom to receive services from service providers with whom the establishment does not have a contractual arrangement, which may also disclaim liability on the part of the establishment for those services;

(16) a statement that medical assistance under Article V or Article VI of the Illinois Public Aid Code is not available for payment for services provided in an establishment;

(17) a statement detailing the admission, risk management, and residency termination criteria and procedures;

(18) a statement listing the rights specified in Section 95 and acknowledging that, by contracting with the assisted living or shared housing establishment, the resident does not forfeit those rights; and

(19) a statement detailing the Department's annual on-site review process including what documents contained in a resident's personal file shall be reviewed by the on-site reviewer as defined by rule.

Section 95. Resident rights. No resident shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of his or her status as a resident of an establishment, nor shall a resident forfeit any of the following

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rights:

(1) the right to retain and use personal property and a place to store personal items that is locked and secure;

(2) the right to refuse services and to be advised of the consequences of that refusal;

(3) the right to respect for bodily privacy and dignity at all times, especially during care and treatment;

(4) the right to the free exercise of religion;

(5) the right to privacy with regard to mail, phone calls, and visitors;

(6) the right to uncensored access to the State Ombudsman or his or her designee;

(7) the right to be free of retaliation for criticizing the establishment or making complaints to appropriate agencies;

(8) the right to be free of chemical and physical restraints;

(9) the right to be free of abuse or neglect or to refuse to perform labor;

(10) the right to confidentiality of the resident's medical records;

(11) the right of access and the right to copy the resident's personal files maintained by the establishment;

(12) the right to 24 hours access to the establishment;

(13) the right to a minimum of 90-days notice of a planned establishment closure;

(14) the right to a minimum of 30-days notice of an involuntary residency termination, except where the resident poses a threat to himself or others, or in other emergency situations, and the right to appeal such termination; and

(15) the right to a 30-day notice of delinquency and at least 15 days right to cure delinquency.

Section 100. Notice of closure. An owner of an establishment licensed under this Act shall give 90 days notice prior to voluntarily closing the establishment or prior to closing any part of the establishment if closing the part will require residency termination. The notice shall be given to the Department, to any resident who must have their residency terminated, the resident's representative, and to a member of the resident's family, where practicable. The notice shall state the proposed date of closing and the reason for closing. The establishment shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternative placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The establishment shall comply with all applicable laws and rules until the date of closing, including those related to residency termination.

Section 105. Record retention. Service delivery contracts and related documents executed by each resident or resident's representative shall be maintained by an establishment subject to this Act from the date of execution until 3 years after the contract is terminated. The establishment shall also maintain and retain records to support compliance with each individual contract and with applicable federal and State rules. The records and supporting documents, as defined by rule, shall be made available for on-site inspection by the Department upon request at any time.

Section 110. Powers and duties of the Department.

(a) The Department shall conduct an annual unannounced on-site visit at each assisted living and shared housing establishment to determine compliance with applicable licensure requirements and standards. Additional visits may be conducted without prior notice

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to the assisted living or shared housing establishment.

(b) Upon receipt of information that may indicate the failure of the assisted living or shared housing establishment or a service provider to comply with a provision of this Act, the Department shall investigate the matter or make appropriate referrals to other government agencies and entities having jurisdiction over the subject matter of the possible violation. The Department may also make referrals to any public or private agency that the Department considers available for appropriate assistance to those involved. The Department may oversee and coordinate the enforcement of State consumer protection policies affecting residents residing in an establishment licensed under this Act.

(c) The Department shall establish by rule complaint receipt, investigation, resolution, and involuntary residency termination procedures. Resolution procedures shall provide for on-site review and evaluation of an assisted living or shared housing establishment found to be in violation of this Act within a specified period of time based on the gravity and severity of the violation and any pervasive pattern of occurrences of the same or similar violations.

(d) The Director shall establish an Assisted Living and Shared Housing Advisory Board.

(e) The Department shall by rule establish penalties and sanctions, which shall include, but need not be limited to, the creation of a schedule of graduated penalties and sanctions to include closure.

(f) The Department shall by rule establish procedures for disclosure of information to the public, which shall include, but not be limited to, ownership, licensure status, frequency of complaints, disposition of substantiated complaints, and disciplinary actions.

(g) The Department shall cooperate with, seek the advice of, and collaborate with the Assisted Living and Shared Housing Quality of Life Advisory Committee in the Department on Aging on matters related to the responsibilities of the Committee. Consistent with subsection (d) of Section 125, the Department shall provide to the Department on Aging for distribution to the committee copies of all administrative rules and changes to administrative rules for review and comment prior to notice being given to the public. If the Committee, having been asked for its review, fails to respond within 90 days, the rules shall be considered acted upon.

(h) Beginning January 1, 2000, the Department shall begin drafting rules necessary for the administration of this Act.

Section 115. Reports and access to information. The Department may require periodic reports and shall have access to and may reproduce or photocopy at its cost any books, records or other documents maintained by the establishment to the extent necessary to carry out this Act and shall not divulge or disclose the contents of a resident's record obtained under this Section in violation of this Act.

Section 120. Consent to review. A licensee or applicant for a license shall be deemed to have given consent to any authorized officer, employee, or agent of the Department to enter and review the establishment in accordance with this Act, except that entrance to

individual rooms shall only be given with the consent of the resident or the resident's representative. Refusal to permit entry or review shall constitute grounds for denial, nonrenewal, or revocation of a license.

Section 125. Assisted Living and Shared Housing Advisory Board.

(a) The Director shall appoint the Assisted Living and Shared Housing Advisory Board which shall be responsible for advising the Director in all aspects of the administration of the Act.

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(b) The Board shall be comprised of the following persons:

(1) the Director who shall serve as chair, ex officio and nonvoting;

(2) the Director of Aging who shall serve as vice-chair, ex officio and nonvoting;

(3) one representative each of the Departments of Public Health, Public Aid, and Human Services, the Department on Aging, the Office of the State Fire Marshal, and the Illinois Housing Development Authority, all nonvoting members;

(4) the State Ombudsman or his or her designee;

(5) one representative of the Association of Area Agencies on Aging;

(6) four members selected from the recommendations by provider organizations whose membership consist of nursing care or assisted living establishments;

(7) one member selected from the recommendations of provider organizations whose membership consists of home health agencies;

(8) two residents of assisted living or shared housing establishments;

(9) three members selected from the recommendations of consumer organizations which engage solely in advocacy or legal representation on behalf of the senior population;

(10) one member who shall be a physician;

(11) one member who shall be a registered professional nurse selected from the recommendations of professional nursing associations; and

(12) two citizen members with expertise in the area of gerontology research or legal research regarding implementation of assisted living statutes.

(c) Members of the Board created by this Act shall be appointed to serve for terms of 3 years. All members shall be appointed no sooner than January 1, 2000 and no later than March 1, 2000. One third of the Board members' initial terms shall expire in one year; one third in 2 years, and one third in 3 years. A member's term does not expire until a successor is appointed by the Director. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of that term. The Board shall meet at the call of the Director. The affirmative vote of 9 members of the Board shall be necessary for Board action. Members of this Board shall receive no compensation for their services, however, resident members shall be reimbursed for their actual expenses.

(d) The Board shall be provided copies of all administrative

rules and changes to administrative rules for review and comment prior to notice being given to the public. If the Board, having been asked for its review, fails to advise the Department within 90 days, the rules shall be considered acted upon.

Section 130. Assisted Living and Shared Housing Quality of Life Advisory Committee.

(a) For the purpose of this Section only, "Department" means the Department on Aging and "Director" means the Director of Aging.

(b) There shall be established within the Department on Aging the Assisted Living and Shared Housing Quality of Life Advisory Committee. The committee shall give advice to the Department on activities of the assisted living ombudsman and all other matters deemed relevant by the Director and to the Director of Public Health on the delivery of personal care services, the unique needs and concerns of seniors residing in housing projects, and all other issues affecting the quality of life of residents. At least 3 members of the committee must serve on the Assisted Living and Shared

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Housing Advisory Board. The committee shall be comprised of 19 members appointed by the Director and composed of the following persons or their designees: the State Ombudsman; the Director of the Division of Long Term Care; the Director of the Division of Older American Services; one member representing the Department of Public Health; one member representing the Area Agencies on Aging; one member representing agencies providing case coordination services; 3 members each representing different provider organizations whose membership consists of residential facilities serving seniors; 2 members representing providers of community care services; one member representing the Community Based Residential Facility projects; one member representing the Department of Public Aid's Supportive Living Facilities; two residents of assisted living or shared housing establishments; 2 members representing consumer groups that engage solely in advocacy or legal representation on behalf of the senior population; and 2 citizen members with expertise in either gerontology research or legal research regarding the implementation of assisted living statutes.

The Director or his or her designee shall serve as the ex officio and nonvoting chair. The Director of Public Health or his or her designee shall serve as the ex officio and nonvoting vice-chair. A quorum shall consist of 10 voting members and all decisions shall be made by simple majority. Members of the committee shall serve for 3 years or until a replacement has been named. Initial appointments shall have staggered terms to permit no more than one-third of the committee to be reappointed each year. Members of the committee shall not receive compensation for their services or expenses, except resident members, who shall be reimbursed for actual expenses. The committee shall review and comment on proposed rules to be promulgated pursuant to this Act by the Director or the Director of Public Health. The Director of Public Health shall provide copies of rules pursuant to subsection (h) of Section 110. The Director shall provide the committee copies of all administrative rules and changes to administrative rules for review and comment prior to notice being given to the public. If the committee, having been asked for its

review, fails to respond within 90 days, the rules shall be considered acted upon.

(c) The Department shall conduct a study or contract for the conducting of a study to review the effects of this Act on the availability of housing for seniors. The study shall evaluate whether (i) sufficient housing exists to meet the needs of Illinois seniors for housing, (ii) the services available under this Act meet the needs of Illinois seniors, (iii) the private sector marketplace is an adequate supplier of housing with services for seniors, and (iv) any other consideration the Department and the Department of Public Health deem relevant. The Department of Public Health Assisted Living and Shared Housing Advisory Board shall serve in an advisory capacity to the Department and the Committee in the development of this report.

(d) The study mandated by subsection (c) shall be completed and its findings and recommendations reported to the General Assembly no later than January 1, 2003.

Section 135. Civil penalties.

(a) The Department may assess a civil penalty not to exceed \$5,000 against any establishment subject to this Act for violations of this Act. Each day a violation continues shall be deemed a separate violation.

(b) Beginning 180 days after the adoption of rules under this Act, the Department may assess a civil penalty not to exceed \$3,000 against any establishment subject to this Act for caring for a resident who exceeds the care needs defined in this Act. Each day a

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violation continues shall be deemed a separate violation.

(c) The Department is authorized to hold hearings in contested cases regarding appeals of the penalties assessed pursuant to this Section.

Section 140. State and private funding. Nothing in this Act shall:

(1) require or authorize the State agency responsible for the administration of the medical assistance program established under Article V and Article VI of the Illinois Public Aid Code to approve, supply, or cover services provided in an assisted living or shared housing establishment;

(2) require an agency or a managed care organization to approve, supply, or cover services provided in an assisted living or shared housing establishment; or

(3) require any other third party payer to approve, supply or cover medically necessary home care services provided in an assisted living establishment.

Section 145. Conversion of facilities. Entities licensed as facilities under the Nursing Home Care Act may elect to convert to a license under this Act. Any facility that chooses to convert, in whole or in part, shall follow the requirements in the Nursing Home Care Act and rules promulgated under that Act regarding voluntary closure and notice to residents. Any conversion of existing beds licensed under the Nursing Home Care Act to licensure under this Act is exempt from review by the Health Facilities Planning Board.

Section 150. Alzheimer and dementia programs.

(a) Except as provided in this Section, Alzheimer and dementia programs shall comply with provisions of this Act.

(b) No person shall be admitted or retained if the assisted living or shared housing establishment cannot provide or secure appropriate care, if the resident requires a level of service or type of service for which the establishment is not licensed or which the establishment does not provide, or if the establishment does not have the staff appropriate in numbers and with appropriate skill to provide such services.

(c) No person shall be accepted for residency or remain in residence if the person's mental or physical condition has so deteriorated to render residency in such a program to be detrimental to the health, welfare or safety of the person or of other residents of the establishment. The Department by rule shall identify a validated dementia-specific standard with inter-rater reliability that will be used to assess individual residents. The assessment must be approved by the resident's physician and shall occur prior to acceptance for residency, annually, and at such time that a change in the resident's condition is identified by a family member, staff of the establishment, or the resident's physician.

(d) No person shall be accepted for residency or remain in residence if the person is dangerous to self or others and the establishment would be unable to eliminate the danger through the use of appropriate treatment modalities.

(e) No person shall be accepted for residency or remain in residence if the person meets the criteria provided in subsections (b) through (g) of Section 75 of this Act.

(f) An establishment that offers to provide a special program or unit for persons with Alzheimer's disease and related disorders shall:

(1) disclose to the Department and to a potential or actual resident of the establishment information as specified under the Alzheimer's Special Care Disclosure Act;

(2) ensure that a resident's representative is designated for the resident;

(3) develop and implement policies and procedures that ensure the continued safety of all residents in the establishment including, but not limited to, those who:

(A) may wander; and

(B) may need supervision and assistance when evacuating the building in an emergency;

(4) provide coordination of communications with each resident, resident's representative, relatives and other persons identified in the resident's service plan;

(5) provide cognitive stimulation and activities to maximize functioning;

(6) provide an appropriate number of staff for its resident population, as established by rule;

(7) require the director or administrator and direct care staff to complete sufficient comprehensive and ongoing dementia and cognitive deficit training, the content of which shall be established by rule; and

(8) develop emergency procedures and staffing patterns to respond to the needs of residents.

Section 155. Application of Act. An establishment licensed under this Act shall obtain and maintain all other licenses, permits, certificates, and other governmental approvals required of it, except that a licensed assisted living or shared housing establishment is exempt from the provisions of the Illinois Health Facilities Planning Act. An establishment licensed under this Act shall comply with the requirements of all local, State, federal, and other applicable laws, rules, and ordinances and the National Fire Protection Association's Life Safety Code.

Section 165. Assisted Living and Shared Housing Regulatory Fund. There is created in the State treasury a special fund to be known as the Assisted Living and Shared Housing Regulatory Fund. All moneys received by the Department under this Act shall be deposited into the Fund. Subject to appropriation, moneys in the Fund shall be used for the administration of this Act. Interest earned on moneys in the Fund shall be deposited into the Fund.

Section 160. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 189. The Illinois Act on the Aging is amended by changing Section 4.04 as follows:

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

Sec. 4.04. Long Term Care Ombudsman Program.

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

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

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

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

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

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

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

(v) Observe all areas of the long term care facility or assisted living or shared housing establishment except

the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended.

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

(3) "Ombudsman" means any person employed by the Department to fulfill the requirements of the Office, or any representative of a sub-State long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and authorized by the Department to perform the duties of an ombudsman as specified by the Department in rules.

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

The Department shall promulgate administrative rules to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman. The administrative rules shall include the responsibility of the Office to investigate and resolve complaints made by or on behalf of residents of long term care facilities and assisted living and shared housing establishments relating to actions, inaction, or decisions of providers, or their representatives, of long term care facilities, of assisted living and shared housing establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r-3 (c)(3)(A) and (E)), and Section 307(a)(12) of the Older Americans Act of 1965, as now or hereafter amended, a long term care facility, assisted living establishment, and shared housing establishment must:

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

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

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

(e) Immunity. An ombudsman or any other representative of the Office participating in the good faith performance of his or her

official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

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

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

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

(3) The Director of Aging shall notify the State's Attorney of the county in which the long term care facility is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. No files or records maintained by the Office of State Long Term Care Ombudsman shall be disclosed unless the State Ombudsman or the ombudsman having the authority over the disposition of such files authorizes the disclosure in writing. The ombudsman shall not disclose the identity of any complainant, resident, witness or employee of a long term care provider involved in a complaint or report unless such person or such person's guardian or legal representative consents in writing to the disclosure, or the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with ~~the State Employee Indemnification Act "An Act to provide for representation and indemnification in certain civil law suits", approved December 3, 1977, as now or hereafter amended.~~

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

(Source: P.A. 90-639, eff. 1-1-99.)

Section 191. 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)

Sec. 3. 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;

3. Skilled and intermediate long term care facilities ~~Any institution required to be licensed under pursuant to~~ 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; and

5. Kidney disease treatment centers, including a

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free-standing hemodialysis unit.

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 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 Establishment 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.

"Establish" means the construction of a health care facility or

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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 \$1,000,000 for major medical equipment and \$2,000,000 for all other capital expenditures, both of which shall be annually adjusted to reflect the increase in construction costs due to inflation.

"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.

(Source: P.A. 89-499, eff. 6-28-96; 89-530, eff. 7-19-96; 90-14, eff. 7-1-97.)

Section 192. The State Finance Act is amended by adding Section 5.490 as follows:

(30 ILCS 105/5.490 new)

Sec. 5.490. The Assisted Living and Shared Housing Regulatory Fund.

Section 193. The Alzheimer's Special Care Disclosure Act is amended by changing Section 10 as follows:

(210 ILCS 4/10)

Sec. 10. Facility defined. As used in this Act, "facility" means a facility licensed or permitted under the Nursing Home Care Act, the Life Care Facility Act, the Assisted Living and Shared Housing Act, or the Community Living Facilities Licensing Act.

(Source: P.A. 90-341, eff. 1-1-98.)

Section 194. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Section 4 as follows:

(210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

Sec. 4. Any long term care facility administrator, agent or

employee or any physician, hospital, surgeon, dentist, osteopath, chiropractor, podiatrist, Christian Science practitioner, coroner, social worker, social services administrator, registered nurse, law enforcement officer, field personnel of the Illinois Department of Public Aid, field personnel of the Illinois Department of Public Health and County or Municipal Health Departments, personnel of the Department of Human Services (acting as the successor to the Department of Mental Health and Developmental Disabilities or the Department of Public Aid), personnel of the Guardianship and Advocacy Commission, personnel of the State Fire Marshal, local fire department inspectors or other personnel, or personnel of the Illinois Department on Aging, or its subsidiary Agencies on Aging, or employee of a facility licensed under the Assisted Living and Shared Housing Act, having reasonable cause to believe any resident with whom they have direct contact has been subjected to abuse or neglect shall immediately report or cause a report to be made to the Department. Persons required to make reports or cause reports to be made under this Section include all employees of the State of Illinois who are involved in providing services to residents, including professionals providing medical or rehabilitation services and all other persons having direct contact with residents; and further include all employees of community service agencies who provide services to a resident of a public or private long term care facility outside of that facility. Any long term care surveyor of the Illinois Department of Public Health who has reasonable cause to believe in the course of a survey that a resident has been abused or neglected and initiates an investigation while on site at the facility shall be exempt from making a report under this Section but the results of any such investigation shall be forwarded to the central register in a manner and form described by the Department.

The requirement of this Act shall not relieve any long term care facility administrator, agent or employee of responsibility to report

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the abuse or neglect of a resident under Section 3-610 of the Nursing Home Care Act.

In addition to the above persons required to report suspected resident abuse and neglect, any other person may make a report to the Department, or to any law enforcement officer, if such person has reasonable cause to suspect a resident has been abused or neglected.

This Section also applies to residents whose death occurs from suspected abuse or neglect before being found or brought to a hospital.

A person required to make reports or cause reports to be made under this Section who fails to comply with the requirements of this Section is guilty of a Class A misdemeanor.

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

Section 195. The Nursing Home Care Act is amended by changing Section 1-113 as follows:

(210 ILCS 45/1-113) (from Ch. 111 1/2, par. 4151-113)

Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the

Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

(1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois, other than homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs;

(2) A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

(3) Any "facility for child care" as defined in the Child Care Act of 1969;

(4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act;

(5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act;

(6) Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

(7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act;

(8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act; ~~or~~

(9) Any "supportive living facility" in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code; ~~or~~

(10) Any assisted living or shared housing establishment

licensed under the Assisted Living and Shared Housing Act.

(Source: P.A. 89-499, eff. 6-28-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-763, eff. 8-14-98.)

Section 196. The Health Care Worker Background Check Act is amended by changing Section 15 as follows:

(225 ILCS 46/15)

Sec. 15. Definitions. For the purposes of this Act, the following definitions apply:

"Applicant" means an individual seeking employment with a health care employer who has received a bona fide conditional offer of employment.

"Conditional offer of employment" means a bona fide offer of employment by a health care employer to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses enumerated in Section 25.

"Direct care" means the provision of nursing care or assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or general supervision and oversight of the physical and mental well-being of an individual who is incapable of managing his or her person whether or not a guardian has been appointed for that individual.

"Health care employer" means:

(1) the owner or licensee of any of the following:

(i) a community living facility, as defined in the Community Living Facilities Act;

(ii) a life care facility, as defined in the Life Care Facilities Act;

(iii) a long-term care facility, as defined in the Nursing Home Care Act;

(iv) a home health agency, as defined in the Home Health Agency Licensing Act;

(v) a full hospice, as defined in the Hospice Program Licensing Act;

(vi) a hospital, as defined in the Hospital Licensing Act;

(vii) a community residential alternative, as defined in the Community Residential Alternatives Licensing Act;

(viii) a nurse agency, as defined in the Nurse Agency Licensing Act;

(ix) a respite care provider, as defined in the Respite Program Act;

(x) an establishment licensed under the Assisted Living and Shared Housing Act;

(xi) a supportive living program, as defined in the Illinois Public Aid Code;

(2) a day training program certified by the Department of Human Services; or

(3) a community integrated living arrangement operated by a community mental health and developmental service agency, as defined in the Community-Integrated Living Arrangements Licensing and Certification Act.

"Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. The educational entity or health care employer or its designee shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization.

(Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97; 89-674, eff. 8-14-96; 90-14, eff. 7-1-97; 90-776, eff. 1-1-99.)

Section 197. The Criminal Code of 1961 is amended by changing Section 12-19 as follows:

(720 ILCS 5/12-19) (from Ch. 38, par. 12-19)

(a) Any person or any owner or licensee of a long term care facility who abuses a long term care facility resident is guilty of a Class 3 felony. Any person or any owner or licensee of a long term care facility who grossly neglects a long term care facility resident is guilty of a Class 4 felony. However, nothing herein shall be deemed to apply to a physician licensed to practice medicine in all its branches or a duly licensed nurse providing care within the scope of his or her professional judgment and within the accepted standards of care within the community.

(b) Notwithstanding the penalties in subsections (a) and (c) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused neglect of a resident, the licensee or owner is guilty of a petty offense. An owner or licensee is guilty under this subsection (b) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(c) Notwithstanding the penalties in subsections (a) and (b) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused gross neglect of a resident, the licensee or owner is guilty of a business offense for which a fine of not more than \$10,000 may be imposed. An owner or licensee is guilty under this subsection (c) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(d) For the purpose of this Section:

(1) "Abuse" means intentionally or knowingly causing any physical or mental injury or committing any sexual offense set forth in this Code.

(2) "Gross neglect" means recklessly failing to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury or the deterioration of a physical or mental condition.

(3) "Neglect" means negligently failing to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury or the deterioration of a physical or mental condition.

(4) "Resident" means a person residing in a long term care facility.

(5) "Owner" means the person who owns a long term care facility as provided under the Nursing Home Care Act or an assisted living or shared housing establishment under the Assisted Living and Shared Housing Act.

(6) "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act or the Assisted Living and Shared Housing Act.

(7) "Facility" or "long term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in

Title XVIII and Title XIX of the federal Social Security Act and assisted living establishments and shared housing establishments

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licensed under the Assisted Living and Shared Housing Act.

(e) Nothing contained in this Section shall be deemed to apply to the medical supervision, regulation or control of the remedial care or treatment of residents in a facility conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination and which is licensed in accordance with Section 3-803 of the Nursing Home Care Act.

(Source: P.A. 86-820; 86-1475.)

Section 199. Effective date. This Section, Section 10, Section 110, Section 125, and Section 130 of this Act take effect upon becoming law; the remaining Sections of this Act take effect January 1, 2001."

Submitted on May 26, 1999.

s/Sen. Beverly Fawell

s/Sen. Dave Syverson

s/Sen. Laura Kent Donahue

s/Sen. Barack Obama

s/Sen. Margaret Smith

Committee for the Senate

s/Rep. Joseph M. Lyons

s/Rep. Barbara Flynn Currie

s/Rep. Daniel Burke

s/Rep. Mary Lou Cowlshaw

s/Rep. Elizabeth Coulson

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to HOUSE BILL NO. 452

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 452

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendments Nos. 1, 2, and 3 to House Bill 452, recommend the following:

(1) that the House concur in Senate Amendments Nos. 1, 2, and 3; and (2) that House Bill 452, AS AMENDED, be further amended by inserting after Section 35-10 of Article 35 the following:

"Article 40.

Section 40-5. Upon the payment of the sum of \$1 to the State of Illinois, the Secretary of Transportation is authorized to convey by quitclaim deed to the City of Chicago all access rights to and from existing Stony Island Avenue and the real estate described below and all access rights to and from existing 95th Street and the real estate described below having a distance of 300 feet measured east

along 95th Street from the West property line of the following described real estate:

PARCEL 1.

THE WEST 425.00 FEET, AS MEASURED ON THE NORTH LINE OF AN IRREGULAR PARCEL OF LAND IN THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 37, NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST 100 FEET OF SAID NORTH WEST 1/4 AND THE SOUTH LINE OF THE NORTH 50 FEET OF SAID NORTH WEST 1/4; THENCE SOUTH ALONG THE EAST LINE OF THE WEST 100 FEET OF SAID NORTH WEST 1/4, 581.22 FEET

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[May 26, 1999]

MORE OR LESS TO INTERSECTION WITH A LINE WHICH IS 59 FEET NORTHEASTERLY OF AND PARALLEL TO THE NORTHEASTERLY LINE OF THE ORIGINAL 66 FOOT RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD COMPANY; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE 96.40 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1,031.20 FEET TO A POINT; THENCE NORTH, A DISTANCE OF 99.89 FEET TO A POINT IN THE SOUTH LINE OF THE NORTH 50 FEET OF SAID NORTH WEST 1/4, ALONG A LINE WHICH MAKES A RIGHT ANGLE WITH SAID SOUTH LINE OF THE NORTH 50 FEET OF SAID NORTH WEST 1/4; THENCE WEST 921.71 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OF THE WEST 425 FEET, AS MEASURED ON THE NORTH LINE, OF AN IRREGULAR PARCEL OF LAND IN THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF STONY ISLAND AVENUE (BEING THE EAST LINE OF THE WEST 100 FEET OF SAID NORTH WEST 1/4) AND THE SOUTH LINE OF 95TH STREET (BEING THE SOUTH LINE OF THE NORTH 50 FEET OF SAID NORTH WEST 1/4); THENCE SOUTH ALONG SAID EAST LINE FOR A DISTANCE OF 581.22 FEET MORE OR LESS TO THE INTERSECTION OF SAID EAST LINE WITH A LINE WHICH IS 59 FEET NORTHEASTERLY OF AND PARALLEL WITH THE NORTHEASTERLY LINE OF THE ORIGINAL 66 FOOT WIDE RIGHT OF WAY OF THE CHICAGO AND WESTERN INDIANA RAILROAD COMPANY; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE FOR A DISTANCE OF 96.40 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH IS AT RIGHT ANGLE TO SAID PARALLEL LINE FOR A DISTANCE OF 5 FEET TO A POINT WHICH IS 659.78 FEET SOUTH AND 56.09 FEET EAST OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID EAST LINE; THENCE NORTHWESTERLY ALONG A LINE WHICH IS 5 FEET NORTHEASTERLY OF AND PARALLEL WITH THE AFOREMENTIONED PARALLEL LINE FOR A DISTANCE OF 72.64 FEET TO A POINT WHICH IS 598.56 FEET SOUTH AND 17 FEET EAST OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID EAST LINE; THENCE NORTHERLY ALONG A LINE WHICH IS 17 FEET EASTERLY OF AN PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 202.16 FEET; THENCE NORTHEASTERLY FOR A DISTANCE OF 259.12 FEET TO A POINT WHICH IS 139.02 FEET SOUTH AND 47.03 FEET EAST OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID EAST LINE; THENCE NORTHEASTERLY FOR A DISTANCE OF 52.65 FEET TO A POINT WHICH IS 88.75 FEET SOUTH AND 62.74 FEET EAST OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID EAST LINE; THENCE NORTHEASTERLY FOR A DISTANCE OF 35.16 FEET TO A POINT WHICH IS 89.43 FEET EAST AND

64.55 FEET SOUTH OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID SOUTH LINE; THENCE NORTHEASTERLY FOR DISTANCE OF 52.65 FEET TO A POINT WHICH IS 141.01 FEET EAST AND 53.57 FEET SOUTH OF THE POINT OF BEGINNING, AS MEASURED ALONG AND AT RIGHT ANGLES TO SAID SOUTH LINE; THENCE NORTHEASTERLY FOR A DISTANCE OF 284.58 FEET TO A POINT ON THE EAST PROPERTY LINE OF SAID PARCEL OF LAND; THENCE NORTH ALONG SAID EAST PROPERTY LINE FOR A DISTANCE OF 42.60 FEET TO A POINT ON SAID SOUTH LINE, SAID POINT BEGINNING 425 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

PARCEL 2.

A PARCEL OF LAND IN THE NORTH WEST 1/4 OF THE NORTH WEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE ORIGINAL SOUTH LINE OF EAST 95TH STREET, SAID POINT BEING 405 FEET EAST OF THE EAST LINE OF STONY ISLAND AVENUE; THENCE SOUTH ON A LINE 405 FEET EAST OF AND PARALLEL TO SAID LINE OF 95TH STREET TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE BELT RAILWAY COMPANY OF

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SENATE

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CHICAGO (A DISTANCE OF 433.93 FEET, PLUS OR MINUS), SAID POINT OF INTERSECTION BEING THE POINT OF BEGINNING; THENCE SOUTH ALONG THE PREVIOUSLY DESCRIBED LINE EXTENDED A DISTANCE OF 195.07 FEET, MORE OR LESS; THENCE WEST AT RIGHT ANGLES TO LAST DESCRIBED LINE A DISTANCE OF 300 FEET MORE OR LESS, TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF THE BELT RAILWAY COMPANY OF CHICAGO; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Section 40-10. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the appropriate Section containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county which the land is located."; and in Section 90-50, Sec. 7-103, paragraph (48), by replacing "36 months" with "48 ~~36~~ months"; and in Section 90-50, Sec. 7-103, paragraph (94), by replacing the final period with the following:

";

(95) for a period of 3 years after the effective date of this amendatory Act of the 91st General Assembly (in the case of the permanent easements described in items (A) and (C)), by the City of Crest Hill, for acquisition of the following easements:

(A) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the

North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois.

(B) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (A). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the North half of the North half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10, East of the Third Principal Meridian (Except therefrom the North 12 Rods of the East 13 1/2 Rods thereof, and also except the South 99 feet of the East 440 feet thereof), in Will County, Illinois.

(C) Permanent easement for the purposes of installation, maintenance, and use of water or sewer, or both water and sewer, lines in, along, through, and under the following legally described property:

The East 70 feet of the West 120 feet of the South half of the Southeast Quarter of Section 30, in township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said Southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast comer of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel

with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter, thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northeasterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois.

(D) Temporary easement for purposes of initial construction of the water or sewer, or both water and sewer, lines in, along, through, and under the permanent easement described in item (C). The temporary easement herein shall arise on September 1, 1999 and shall cease on August 31, 2001 and is legally described as follows:

The East 100 feet of the West 150 feet of the South half of the Southeast Quarter of Section 30, in Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois, excepting therefrom the following described tracts:

Exception 1: That part of said South half lying

Southwesterly of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company, in Will County, Illinois.

Exception 2: The West 200 feet of said South half, in Will County, Illinois.

Exception 3: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, described as follows: Beginning at a point 250 feet East of the West line of said South half of the Southeast Quarter and 180.58 feet North of the South line of said South half of the Southeast Quarter; thence North along a line 250 feet East of and parallel with the West line of said southeast Quarter a distance of 1004.55 feet to a point; thence Northwesterly along a diagonal line 65.85 feet to its

intersection with a line drawn 200 feet East of and parallel to the West line of said Southeast Quarter, said point also being 100.75 feet South of the North line of the South half of said Southeast Quarter, as measured along said parallel line; thence South along the last described parallel line a distance of 1045.02 feet to a point 50 feet West of the point of beginning and 180.58 feet North of the South line of said Southeast Quarter; thence East 50 feet to the point of beginning, in Will County, Illinois.

Exception 4: Beginning at the Southeast corner of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, thence Northerly along the East line of said Section for a distance of 346.5 feet; thence Westerly along a line 346.5 feet distant from and parallel with the South line of said Section for a distance of 297 feet; thence Southerly along a line 297 feet distant from and parallel with the East line of said Section for a distance of 346.5 feet to a point, said point being on the South line of said Section; thence Easterly along said South line of said Section 297 feet to the point of beginning, in Will County, Illinois.

Exception 5: That part dedicated for highway purposes in instrument recorded January 28, 1986 as Document No. R86-03205 described as follows: That part of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the Northeasterly right-of-way line of the Elgin, Joliet and Eastern Railway Company with the South line of said Southeast Quarter; thence on an assumed bearing of North 90.00 degrees 00 minutes 00 seconds East along said South line a distance of 288.02 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 33.0 feet; thence North 86 degrees 25 minutes 22 seconds West a distance of 352.57 feet to the Northeasterly right-of-way line of said railway company; thence South 49 degrees 15 minutes 53 seconds East along said Northeasterly right-of-way line, a distance of 84.28 feet to the point of beginning, in Will County, Illinois.

Exception 6: The North 850 feet of the East 1025 feet of the South half of the Southeast Quarter of Section 30, Township 36 North, and in Range 10 East of the Third Principal Meridian, in Will County, Illinois;

(96) for a period of 4 years after the effective date of this amendatory Act of the 91st General Assembly, by the Village of Palatine, for the acquisition of the following described property for the purpose of revitalizing the downtown business area:

Lots 1 through 3 in Block D of the Subdivision of the North 24.60 acres in the NE 1/4 of the NE 1/4 of Section 22, Township 42, Range

10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Bothwell Street, Railroad right-of-way, Plum Grove Road and Chicago Avenue in the Village of Palatine;

Lots 1 through 8 in Block K, of the Town of Palatine, a subdivision of the West 16 2/3 acres of the South 31 acres of the

West 1/2 of the Southwest 1/4 of Section 14 and the Southeast 24.12 acres of the South 31 acres of the East 1/2 of the Southeast 1/4 of Section 15, Township 42 North, Range 10, East of the Third Principal Meridian, Ante-Fire, Re-recorded April 10, 1877 as Document 129579, in Cook County, Illinois;

Property bounded by Wilson Street, Plum Grove Road, Slade Street, Railroad right-of-way and Bothwell Street in the Village of Palatine;

Lots 1 through 8 in Block 8 of the Subdivision of part of the East 1/2 of the SE 1/4 Section, Ante-Fire, Re-recorded on April 10, 1877 as Document Number 129579;

Lots 20 and 21 and the West 71.25 feet of Lot 24 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919;

Lots 1 through 3 of Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Colfax Street, Smith Street and Millin's Subdivision of the SE 1/4 of Section 15, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL;

Property bounded by Wood Street, Brockway Street and Railroad right-of-way in the Village of Palatine;

Lots 45 through 50 and 58 through 64 of Arthur T. McIntosh and Company's Palatine Farms, being a subdivision of Section 16, Township 42, Range 10 East of the Third Principal Meridian, in Cook County, IL, recorded on June 16, 1919; and

Property bounded by Railroad right-of-way, Brockway Street and Slade Street in the Village of Palatine."

Submitted on May 26, 1999.

s/Sen. William Mahar

s/Sen. Dick Klemm

s/Sen. Frank Watson

s/Sen. Robert Molaro

s/Sen. Vince Demuzio

Committee for the Senate

s/Rep. Gary Hannig

s/Rep. Daniel Burke

s/Rep. Kurt Granberg

s/Rep. Art Tenhouse

s/Rep. Dan Rutherford

Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to HOUSE BILL NO. 1670

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 1670

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendments Nos. 1 and 2 to House Bill 1670, recommend the following:

(1) that the House concur in Senate Amendments Nos. 1 and 2; and

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(2) that House Bill 1670, AS AMENDED, be further amended as follows:

in the title, by deleting "by changing Section 21-5b"; and  
in Section 5, Sec. 21-5b, the paragraph beginning "A provisional alternative", by deleting item (1.5); and  
in Section 5, Sec. 21-5b, the paragraph beginning "A provisional alternative", item (2), by replacing "and" with "~~and~~"; and  
in Section 5, Sec. 21-5b, the paragraph beginning "A provisional alternative", item (3), by replacing "21-1a" with the following:

"21-1a; and

(4) have been employed for a period of at least 5 years in an area requiring application of the individual's education; however, this requirement does not apply with respect to a provisional alternative teaching certificate for teaching in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants"; and

in Section 5, Sec. 21-5b, the paragraph beginning "A standard alternative", the sentence beginning "Alternatively,", by replacing "subsection (c) of Section 21-2 of this Code" with the following:

"subsection (c) of Section 21-2 of this Code and further provided that a person who does not apply for and receive a Standard Teaching Certificate shall be able to teach only in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants"; and

at the end of the bill, by inserting the following:

"Section 10. If and only if Senate Bill 556 of the 91st General Assembly becomes law, the School Code is amended by changing Section 21-2 as follows:

(105 ILCS 5/21-2) (from Ch. 122, par. 21-2)

Sec. 21-2. Grades of certificates.

(a) Until February 15, 2000, all certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree with not less than 120 semester hours and a minimum of 16 semester hours in professional education.

(b) Initial Teaching Certificate. Beginning February 15, 2000, persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board,

shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas

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designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) Standard Certificate. Beginning February 15, 2000, persons who (1) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (2) have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (3) were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (1) and (2) of this subsection (c), have successfully completed the Standard Teaching Certificate Examinations, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(d) Master Certificate. Beginning February 15, 2000, persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board.

(Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98; 90-811, eff. 1-26-99; 91SB0556enrolled.)".

Submitted on May 26, 1999.

s/Sen. Dan Cronin

s/Rep. Larry D. Woolard

s/Sen. Patrick O'Malley  
s/Sen. Frank Watson  
Sen. Arthur Berman  
Sen. Vince Demuzio  
Committee for the Senate

s/Rep. Barbara Flynn Currie  
s/Rep. Gary Hannig  
s/Rep. Art Tenhouse  
s/Rep. Mary Lou Cowlshaw  
Committee for the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to HOUSE BILL NO. 2166

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

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SENATE

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91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL 2166

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendments No. 1 and No. 2 to House Bill 2166, recommend the following:

(1) that the Senate recede from Senate Amendments No. 1 and No. 2; and

(2) that House Bill 2166 be amended by replacing the title with the following:

"AN ACT to amend the Comprehensive Health Insurance Plan Act by changing Sections 7 and 8 and repealing Section 8.5."; and by replacing everything after the enacting clause with the following:

"Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Sections 7 and 8 as follows:

(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility.

a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any individual person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and continues to be a resident of this State shall be eligible for Plan coverage if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health

conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a resident of this State would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

(1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to

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or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

(1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that requirements for a preexisting condition are satisfied, the person shall not be eligible for coverage under the Plan. In that circumstance,

coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan has paid a total of \$1,000,000 in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of \$100,000.

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(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

g. Coverage shall cease (i) on the date a person is no longer a

resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid.

(Source: P.A. 89-486, eff. 6-21-96; 90-30, eff. 7-1-97.)

(215 ILCS 105/8) (from Ch. 73, par. 1308)

Sec. 8. Minimum benefits.

a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of \$1,000,000 per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

b. Outline of benefits. Covered expenses shall be limited to the usual and customary charge, including negotiated fees, in the locality for the following services and articles when prescribed by a physician and determined by the Plan to be medically necessary for the following areas of services, subject to such separate deductibles, co-payments, exclusions, and other limitations on benefits as the Board shall establish and approve, and the other provisions of this Section:

(1) Hospital services, except that any services provided by a hospital that is located more than 75 miles outside the State of Illinois shall be covered only for a maximum of 45 days in any calendar year. With respect to covered expenses incurred during any calendar year ending on or after December 31, 1999, inpatient hospitalization of an eligible person for the treatment of mental illness at a hospital located within the State of Illinois shall be subject to the same terms and conditions as for any other

illness.

(2) Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than dental and mental and nervous disorders as described in paragraph (17), which are rendered by a physician, or by other licensed professionals at the physician's direction.

(2.5) Professional services provided by a physician to children under the age of 16 years for physical examinations and age appropriate immunizations ordered by a physician licensed to

practice medicine in all its branches.

(3) (Blank).

(4) Outpatient prescription drugs that by law require requiring a physician's prescription written by a physician licensed to practice medicine in all its branches subject to such separate deductible, copayment, and other limitations or restrictions as the Board shall approve, including the use of a prescription drug card or any other program, or both.

(5) Skilled nursing services of a licensed skilled nursing facility for not more than 120 days during a policy year.

(6) Services of a home health agency in accord with a home health care plan, up to a maximum of 270 visits per year.

(7) Services of a licensed hospice for not more than 180 days during a policy year.

(8) Use of radium or other radioactive materials.

(9) Oxygen.

(10) Anesthetics.

(11) Orthoses and prostheses other than dental.

(12) Rental or purchase in accordance with Board policies or procedures of durable medical equipment, other than eyeglasses or hearing aids, for which there is no personal use in the absence of the condition for which it is prescribed.

(13) Diagnostic x-rays and laboratory tests.

(14) Oral surgery for excision of partially or completely unerupted impacted teeth or the gums and tissues of the mouth, when not performed in connection with the routine extraction or repair of teeth, that is required to treat and oral surgery and procedures, including orthodontics and prosthetics necessary for craniofacial or maxillofacial conditions and to correct congenital defects or injuries to natural teeth or a fractured jaw due to an accident that occurred while a covered person.

(15) Physical, speech, and functional occupational therapy as medically necessary and provided by appropriate licensed professionals.

(16) Emergency and other medically necessary transportation provided by a licensed ambulance service to the nearest health care facility qualified to treat a covered illness, injury, or condition, subject to the provisions of the Emergency Medical Systems (EMS) Act.

(17) Outpatient services for diagnosis and treatment of mental and nervous disorders provided that a covered person shall be required to make a copayment not to exceed 50% and that the Plan's payment shall not exceed such amounts as are established by the Board.

(18) Human organ or tissue transplants specified by the Board that are performed at a hospital designated by the Board as a participating transplant center for that specific organ or tissue transplant.

(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

c. Exclusions. Covered expenses of the Plan shall not include the following:

(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.

(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.

(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.

(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.

(7) Dental care, dental surgery, dental treatment or dental appliances, except as provided in paragraph (14) of subsection b of this Section.

(8) Eyeglasses, contact lenses, hearing aids or their fitting.

(9) Illness or injury due to acts of war.

(10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.

(11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.

(12) Routine maternity charges for a pregnancy, except where added as optional coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.

(13) (Blank).

(14) Any expense or charge for services, drugs, or supplies that are: (i) not provided in accord with generally accepted standards of current medical practice; (ii) for procedures, treatments, equipment, transplants, or implants, any of which are investigational, experimental, or for research purposes; (iii) investigative and not proven safe and effective; or (iv) for, or resulting from, a gender transformation operation.

(15) Any expense or charge for routine physical examinations or tests except as provided in item (2.5) of subsection b of this Section.

(16) Any expense for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.

(17) Any expense incurred for benefits provided under the laws of the United States and this State, including Medicare, ~~and~~ Medicaid, and other medical assistance, maternal and child health services and any other program that is administered or funded by

the Department of Human Services, Department of Public Aid, or Department of Public Health, military service-connected disability payments, medical services provided for members of the armed forces and their dependents or employees of the armed

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forces of the United States, and medical services financed on behalf of all citizens by the United States.

(18) Any expense or charge for in vitro fertilization, artificial insemination, or any other artificial means used to cause pregnancy.

(19) Any expense or charge for oral contraceptives used for birth control or any other temporary birth control measures.

(20) Any expense or charge for sterilization or sterilization reversals.

(21) Any expense or charge for weight loss programs, exercise equipment, or treatment of obesity, except when certified by a physician as morbid obesity (at least 2 times normal body weight).

(22) Any expense or charge for acupuncture treatment unless used as an anesthetic agent for a covered surgery.

(23) Any expense or charge for or related to organ or tissue transplants other than those performed at a hospital with a Board approved organ transplant program that has been designated by the Board as a preferred or exclusive provider organization for that specific organ or tissue transplant.

(24) Any expense or charge for procedures, treatments, equipment, or services that are provided in special settings for research purposes or in a controlled environment, are being studied for safety, efficiency, and effectiveness, and are awaiting endorsement by the appropriate national medical speciality college for general use within the medical community.

d. Deductibles and coinsurance.

The Plan coverage defined in Section 6 shall provide for a choice of deductibles per individual as authorized by the Board. If 2 individual members of the same family household, who are both covered persons under the Plan, satisfy the same applicable deductibles, no other member of that family who is also a covered person under the Plan shall be required to meet any deductibles for the balance of that calendar year. The deductibles must be applied first to the authorized amount of covered expenses incurred by the covered person. A mandatory coinsurance requirement shall be imposed at the rate authorized by the Board in excess of the mandatory deductible, the coinsurance in the aggregate not to exceed such amounts as are authorized by the Board per annum. At its discretion the Board may, however, offer catastrophic coverages or other policies that provide for larger deductibles with or without coinsurance requirements. The deductibles and coinsurance factors may be adjusted annually according to the Medical Component of the Consumer Price Index.

e. Scope of coverage.

(1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem appropriate and that it believes to be generally reflective of and

commensurate with health insurance coverage that is provided in the individual market in this State.

(2) The benefit plans approved by the Board may also provide for and employ various cost containment measures and other requirements including, but not limited to, preadmission certification, prior approval, second surgical opinions, concurrent utilization review programs, individual case management, preferred provider organizations, health maintenance organizations, and other cost effective arrangements for paying for covered expenses.

f. Preexisting conditions.

(1) Except for federally eligible individuals qualifying for Plan coverage under Section 15 of this Act ~~or eligible persons who qualify for and elect to purchase the waiver~~

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~~authorized in paragraph (3) of this subsection, plan coverage shall exclude charges or expenses incurred during the first 6 months following the effective date of coverage as to any condition if: (a) the condition had manifested itself within the 6 month period immediately preceding the effective date of coverage in such a manner as would cause an ordinarily prudent person to seek diagnosis, care or treatment; or (b) medical advice, care or treatment was recommended or received within the 6 month period immediately preceding the effective date of coverage.~~

(2) (Blank).

~~(3) (Blank) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person: (a) has satisfied similar exclusions under any prior health insurance coverage or group health plan that was involuntarily terminated; (b) is ineligible for any continuation coverage that would continue or provide substantially similar coverage following that termination; and (c) has applied for Plan coverage not later than 30 days following the involuntary termination. No policy or plan shall be deemed to have been involuntarily terminated if the master policyholder or other controlling party elected to change insurance coverage from one health insurance issuer or group health plan to another even if that decision resulted in a discontinuation of coverage for any individual under the plan, either totally or for any medical condition. For each eligible person who qualifies for and elects this waiver, there shall be added to each payment of premium, on a prorated basis, a surcharge of up to 10% of the otherwise applicable annual premium for as long as that individual's coverage under the Plan remains in effect or 60 months, whichever is less.~~

g. Other sources primary; nonduplication of benefits.

(1) The Plan shall be the last payor of benefits whenever any other benefit or source of third party payment is available. Subject to the provisions of subsection e of Section 7, benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or payable by Medicare or any other government program or through any health insurance or group health plan, whether by insurance, reimbursement, or otherwise, or through any

third party liability, settlement, judgment, or award, regardless of the date of the settlement, judgment, or award, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the covered person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, and by all hospital or medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment, or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any State or federal law or program.

(2) The Plan shall have a cause of action against any covered person or any other person or entity for the recovery of any amount paid to the extent the amount was for treatment, services, or supplies not covered in this Section or in excess of benefits as set forth in this Section.

(3) Whenever benefits are due from the Plan because of sickness or an injury to a covered person resulting from a third party's wrongful act or negligence and the covered person has recovered or may recover damages from a third party or its insurer, the Plan shall have the right to reduce benefits or to

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refuse to pay benefits that otherwise may be payable by the amount of damages that the covered person has recovered or may recover regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury.

During the pendency of any action or claim that is brought by or on behalf of a covered person against a third party or its insurer, any benefits that would otherwise be payable except for the provisions of this paragraph (3) shall be paid if payment by or for the third party has not yet been made and the covered person or, if incapable, that person's legal representative agrees in writing to pay back promptly the benefits paid as a result of the sickness or injury to the extent of any future payments made by or for the third party for the sickness or injury. This agreement is to apply whether or not liability for the payments is established or admitted by the third party or whether those payments are itemized.

Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

(4) Benefits due from the Plan may be reduced or refused as an offset against any amount otherwise recoverable under this Section.

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party's wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may recover damages from a third party that is liable for the damages, the Plan shall have

the right to recover the benefits it paid from any amounts that the covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act, without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

(2) If any action or claim is brought by or on behalf of a covered person against a third party or the third party's insurer, the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, shall notify the Plan by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought, filing proof thereof in the action or claim. The Plan may, at any time thereafter, join in the action or claim upon its motion so that all orders of court after hearing and judgment shall be made for

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its protection. No release or settlement of a claim for damages and no satisfaction of judgment in the action shall be valid without the written consent of the Plan to the extent of its interest in the settlement or judgment and of the covered person or his personal representative.

(3) In the event that the covered person or his personal representative fails to institute a proceeding against any appropriate third party before the fifth month before the action would be barred, the Plan may, in its own name or in the name of the covered person or personal representative, commence a proceeding against any appropriate third party for the recovery of damages on account of any sickness, injury, or death to the covered person. The covered person shall cooperate in doing what is reasonably necessary to assist the Plan in any recovery and shall not take any action that would prejudice the Plan's right to recovery. The Plan shall pay to the covered person or his personal representative all sums collected from any third party by judgment or otherwise in excess of amounts paid in benefits under the Plan and amounts paid or to be paid as costs, attorneys fees, and reasonable expenses incurred by the Plan in making the collection or enforcing the judgment.

(4) In the event that a covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, recovers damages from a third party for sickness or injury caused to the covered person, the covered person or the personal representative shall pay to the Plan from the damages recovered the amount of benefits paid or to be paid on behalf of the covered person.

(5) When the action or claim is brought by the covered person alone and the covered person incurs a personal liability to pay attorney's fees and costs of litigation, the Plan's claim for reimbursement of the benefits provided to the covered person shall be the full amount of benefits paid to or on behalf of the covered person under this Act less a pro rata share that represents the Plan's reasonable share of attorney's fees paid by the covered person and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures to the full amount of the judgement, award, or settlement.

(6) In the event of judgment or award in a suit or claim against a third party or insurer, the court shall first order paid from any judgement or award the reasonable litigation expenses incurred in preparation and prosecution of the action or claim, together with reasonable attorney's fees. After payment of those expenses and attorney's fees, the court shall apply out of the balance of the judgment or award an amount sufficient to reimburse the Plan the full amount of benefits paid on behalf of the covered person under this Act, provided the court may reduce and apportion the Plan's portion of the judgement proportionate to the recovery of the covered person. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking the reduction. The court may consider the nature and extent of the injury, economic and non-economic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Plan shall pay its pro rata share of the attorney fees based on the Plan's recovery as it compares to the total judgment. Any reimbursement rights of the Plan shall take priority over all other liens and charges existing under the laws of this State

with the exception of any attorney liens filed under the Attorneys Lien Act.

(7) The Plan may compromise or settle and release any claim for benefits provided under this Act or waive any claims for benefits, in whole or in part, for the convenience of the Plan or if the Plan determines that collection would result in undue hardship upon the covered person.

(Source: P.A. 89-486, eff. 6-21-96; 90-7, eff. 6-10-97; 90-30, eff. 7-1-97; 90-655, eff. 7-30-98.)

(215 ILCS 105/8.5 rep.)

Section 10. The Comprehensive Health Insurance Plan Act is amended by repealing Section 8.5.

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

Submitted on May 26, 1999.

s/Sen. Robert Madigan  
s/Sen. Thomas Walsh  
s/Sen. Doris Karpel  
s/Sen. Denny Jacobs  
s/Sen. Robert Molaro  
Committee for the Senate

s/Rep. Frank Mautino  
s/Rep. Barbara Flynn Currie  
s/Rep. Kurt Granberg  
s/Rep. Art Tenhouse  
s/Rep. Tom Cross  
Committee for the House

**MESSAGE FROM THE PRESIDENT**

OFFICE OF THE SENATE PRESIDENT  
ILLINOIS SENATE

James "Pate" Philip  
Senate President  
and  
Majority Leader

May 26, 1999

Mr. Jim Harry  
Secretary of the Senate  
401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for final action on the following category of bills, with specific bills enumerated under this category, to May 31, 1999:

State Government Operations, specifically: House Bill 279.

Sincerely,

s/Pate  
James "Pate" Philip  
Senate President

cc: Senator Jones  
Courtney Nottage  
Carter Hendren

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**LEGISLATIVE MEASURE FILED**

The following Conference Committee Report has been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 19

At the hour of 6:00 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 8:05 o'clock p.m., the Senate resumed consideration of business.

Senator Rauschenberger, presiding.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments numbered 1, 2, 3 and 4 to a bill of the following title, to-wit:

**SENATE BILL NO. 286**

A bill for AN ACT to amend the Airport Authorities Act by changing Section 6.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendments to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Steve Davis, Burke, Currie; Tenhouse and Wait.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendments numbered 1, 2, 3 and 4 to **Senate Bill No. 286**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendments numbered 1, 2, 3 and 4 to Senate Bill No. 286.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Karpriel, Klemm, Philip, Shaw and L. Walsh.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

## SENATE BILL NO. 487

A bill for AN ACT to amend the Illinois Roofing Industry Licensing Act by changing Sections 2 and 3, by adding Sections 3.5, 4.5, and 5.5, and by repealing Section 4.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Burke, Currie, O'Brien; Tenhouse and Saviano.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 487**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 487.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Burzynski, Radogno, Syverson, Hendon and Munoz.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

## SENATE BILL NO. 629

A bill for AN ACT regarding appropriations.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Hannig, Schoenberg, Silva; Tenhouse and Ryder.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from

the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 629**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 629.

The motion prevailed.

The President appointed as such Committee on the part of the

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Senate, the following: Senators Donahue, Maitland, Rauschenberger, Trotter and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

SENATE BILL NO. 630

A bill for AN ACT regarding appropriations.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Hannig, Schoenberg, Howard; Tenhouse and Ryder.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 630**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 630.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Maitland, Rauschenberger, Trotter and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the

House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

SENATE BILL NO. 878

A bill for AN ACT concerning taxation.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Currie, Pugh, McCarthy; Tenhouse and Biggins.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from

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the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 878**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 878.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Fawell, Lauzen, Peterson, Clayborne and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

SENATE BILL NO. 1079

A bill for AN ACT to create the Budget Implementation Act for Fiscal Year 2000.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Hannig, Schoenberg, Currie; Tenhouse and Ryder.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 1079**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 1079.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Maitland, Rauschenberger, Trotter and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendment No. 1 to a bill of the following title, to-wit:

SENATE BILL NO. 1080

A bill for AN ACT to create the Budget Implementation Act for Fiscal Year 2000.

I am further directed to inform the Senate that the House of

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Representatives requests a First Committee of Conference, to consist of five Members from each House, to consider the differences of the two Houses in regard to the amendment to the bill.

The Speaker of the House has appointed as such committee on the part of the House: Representatives Hannig, Schoenberg, Currie; Tenhouse and Ryder.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

On motion of Senator Rauschenberger, the foregoing message from the House of Representatives, reporting refusal to recede from its Amendment No. 1 to **Senate Bill No. 1080**, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate accede to the request of the House of Representatives for a First Committee of Conference to adjust the differences arising between the two Houses on House Amendment No. 1 to Senate Bill No. 1080.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Maitland, Rauschenberger, Trotter and Welch.

Ordered that the Secretary inform the House of Representatives thereof.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 287

A bill for AN ACT to amend the Public Utilities Act by adding Section 13-301.5.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Currie, Mautino, Hannig; Tenhouse and Bost.

Action taken by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following conference committee report:

First Conference Committee Report to SENATE BILL NO. 242

Adopted by the House, May 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

91ST GENERAL ASSEMBLY  
FIRST CONFERENCE COMMITTEE REPORT  
ON SENATE BILL 242

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the

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[May 26, 1999]

differences between the houses in relation to House Amendment No. 1 to Senate Bill 242, recommend the following:

(1) that the Senate concur in House Amendment No. 1; and

(2) that Senate Bill 242 be further amended as follows:

in Section 5, Sec. 18.5, subsection (f), paragraph (4), item (vi), by deleting the sentence beginning "In the action,".

Submitted on May 26, 1999.

s/Sen. Carl Hawkinson  
s/Sen. Ed Petka  
s/Sen. Kirk Dillard  
s/Sen. John Cullerton  
s/Sen. Barack Obama

Committee for the Senate

s/Rep. Larry McKeon  
s/Rep. Tom Dart  
s/Rep. Barbara Flynn Currie  
s/Rep. Art Tenhouse  
s/Rep. John Turner

Committee for the House

At the hour of 8:07 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 27, 1999 at 10:00 o'clock

a.m.