

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

79TH LEGISLATIVE DAY

THURSDAY, MARCH 21, 2002

9:00 O'CLOCK A.M.

No. 79
[Mar. 21, 2002]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Reverend Darren Embree, First Christian Church of
Decatur, Decatur, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journal
of Wednesday, March 20, 2002 be postponed pending arrival of the
printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

The Biennial Comprehensive Status and Self-Assessment Report,
Illinois Groundwater Protection Program, January 2002, submitted by
the Environmental Protection Agency pursuant to Section 4(b)(8) of
the Illinois Groundwater Protection Act 415ILCS55/4 (Act).

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

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below
have been filed with the Secretary, and referred to the Committee on
Rules:

Senate Amendment No. 1 to Senate Bill 1972
Senate Amendment No. 2 to Senate Bill 2016
Senate Amendment No. 1 to Senate Bill 2072
Senate Amendment No. 2 to Senate Bill 2098
Senate Amendment No. 2 to Senate Bill 2149

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 119

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 passed bills of the following titles, in
the passage of which I am instructed to ask the concurrence of the
Senate, to-wit:

HOUSE BILL NO. 3688
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 3697
A bill for AN ACT concerning fire protection.
HOUSE BILL NO. 3712
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 3773
A bill for AN ACT concerning public graveyards.

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HOUSE BILL NO. 3938
 A bill for AN ACT concerning schools.
 HOUSE BILL NO. 3960
 A bill for AN ACT with regard to schools.
 HOUSE BILL NO. 3975
 A bill for AN ACT concerning port districts.
 HOUSE BILL NO. 4014
 A bill for AN ACT concerning civil procedure.
 HOUSE BILL NO. 4110
 A bill for AN ACT concerning appropriation bills.
 HOUSE BILL NO. 4123
 A bill for AN ACT concerning home repair fraud.

Passed the House, March 20, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 3688, 3697, 3712, 3773, 3938, 3960, 3975, 4014, 4110 and 4123 were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4130
 A bill for AN ACT concerning elections.
 HOUSE BILL NO. 4159
 A bill for AN ACT in relation to the investment of public funds.
 HOUSE BILL NO. 4167
 A bill for AN ACT in relation to the courts.
 HOUSE BILL NO. 4170
 A bill for AN ACT in relation to mental health.
 HOUSE BILL NO. 4229
 A bill for AN ACT in regard to vehicles.
 HOUSE BILL NO. 4331
 A bill for AN ACT in regard to vehicles.
 HOUSE BILL NO. 4333
 A bill for AN ACT relating to public community colleges.
 HOUSE BILL NO. 4339
 A bill for AN ACT concerning counties.
 HOUSE BILL NO. 4365
 A bill for AN ACT in relation to highways.
 HOUSE BILL NO. 4371
 A bill for AN ACT relating to insurance.

Passed the House, March 20, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 4130, 4159, 4167, 4170, 4229, 4331, 4333, 4339, 4365 and 4371 were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the

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Senate, to-wit:

HOUSE BILL NO. 4454
 A bill for AN ACT concerning veterans.
 HOUSE BILL NO. 4911
 A bill for AN ACT in relation to vehicles.
 HOUSE BILL NO. 4916
 A bill for AN ACT concerning professional regulation.
 HOUSE BILL NO. 4952
 A bill for AN ACT concerning banks.
 HOUSE BILL NO. 4988
 A bill for AN ACT concerning municipalities.
 HOUSE BILL NO. 4989
 A bill for AN ACT relating to insurance.
 HOUSE BILL NO. 4990
 A bill for AN ACT concerning townships.

Passed the House, March 20, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 4454, 4911, 4916, 4952, 4988, 4989 and 4990 were taken up, ordered printed and placed on first reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senators Silverstein, Viverito and Clayborne were excused from attendance due to illness.

On motion of Senator Demuzio, Senators Bowles and Lightford were excused from attendance due to legislative business.

On motion of Senator Demuzio, Senator Munoz was excused from attendance due to a death in his family.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3749, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3750, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3999, sponsored by Senator Luechtefeld was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4167, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4170, sponsored by Senator Klemm was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4952, sponsored by Senators T. Walsh - Lightford was taken up, read by title a first time and referred to the Committee on Rules.

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At the hour of 9:35 o'clock a.m., Senator Geo-Karis presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 363

Offered by Senator Noland and all Senators:
Mourns the death of Joseph E. McNaughton of Effingham.

The foregoing resolution was referred to the Resolutions Consent Calendar.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cronin, Senate Bill No. 1580 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 1882 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1882 on page 2, by replacing lines 11 through 17 with the following:

"The surety bond required by this Section may be acquired from the company, agent or broker of the contractor's choice. The bond and sureties shall be subject to the right of reasonable approval or disapproval, including suspension, by the State or political subdivision thereof concerned. Except as otherwise provided in this Act, a contractor shall not be required to post a cash bond or letter of credit in addition to, or as a substitute for, the surety bond required by this Section."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, Senate Bill No. 1951 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 2241 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2241 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Section 8 as follows:

(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

Sec. 8. Facility plan review; fees.

(a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than \$100,000, architectural plans and

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specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun.

(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial.

(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

- (1) the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;
- (2) the construction, major alteration, or addition was built as submitted;
- (3) the law or rules have not been amended since the original approval; and
- (4) the conditions at the facility indicate that there is a

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reasonable degree of safety provided for the patients.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

(1) (Blank).

(2) (Blank).

(3) If the estimated dollar value of the alteration, addition, or new construction is \$100,000 or more but less than \$500,000, the fee shall be the greater of \$2,400 or 1.2% of that value.

(4) If the estimated dollar value of the alteration, addition, or new construction is \$500,000 or more but less than \$1,000,000, the fee shall be the greater of \$6,000 or 0.96% of that value.

(5) If the estimated dollar value of the alteration, addition, or new construction is \$1,000,000 or more but less than \$5,000,000, the fee shall be the greater of \$9,600 or 0.22% of that value.

(6) If the estimated dollar value of the alteration, addition, or new construction is \$5,000,000 or more, the fee shall be the greater of \$11,000 or 0.11% of that value, but shall not exceed \$40,000.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects related to homeland security.

The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this subsection (d). For the purposes of this subsection (d), (i) "disproportionate share hospital" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code and (ii) "rural hospital" means a hospital that is (A) located outside a metropolitan statistical area or (B) located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the costs relating to the Department's review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (1) The provisions of this amendatory Act of 1997 concerning drawings and specifications shall apply only to drawings and specifications submitted to the Department on or after October 1, 1997.

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(2) On and after the effective date of this amendatory Act of 1997 and before October 1, 1997, an applicant may submit or resubmit drawings and specifications to the Department and pay the fees provided in subsection (d). If an applicant pays the fees provided in subsection (d) under this paragraph (2), the provisions of subsection (b) shall apply with regard to those drawings and specifications.

(g) The Department shall conduct an on-site inspection of the completed project no later than 30 days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.

(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the patients.

(Source: P.A. 90-327, eff. 8-8-97; 90-600, eff. 6-25-98; 91-712, eff. 7-1-00.)

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

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2305 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 2306 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 2307 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2308 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2309 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 2316 having

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been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, Senate Bill No. 2319 having been printed, was taken up, read by title a second time and ordered to a third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 355

Offered by Senator Parker and all Senators:
Mourns the death of Louis "Bud" Gartner of Northbrook.

SENATE RESOLUTION NO. 356

Offered by Senator Lauzen and all Senators:
Mourns the death of Herschel B. Stover of Oswego.

SENATE RESOLUTION NO. 357

Offered by Senator Lauzen and all Senators:
Mourns the death of George Gegeran of Aurora.

SENATE RESOLUTION NO. 358

Offered by Senator Clayborne and all Senators:
Mourns the death of William Belmont, Sr. of East St. Louis.

SENATE RESOLUTION NO. 359

Offered by Senator Clayborne and all Senators:
Mourns the death of Helen Hoosman of East St. Louis.

SENATE RESOLUTION NO. 360

Offered by Senator Lauzen and all Senators:
Mourns the death of Pearle C. "Peg" Donovan of Aurora.

SENATE RESOLUTION NO. 361

Offered by Senator Demuzio and all Senators:
Mourns the death of Paul "Moody" Spudich of Livingston.

SENATE RESOLUTION NO. 362

Offered by Senator E. Jones and all Senators:
Mourns the death of Jesse Jordan.

SENATE RESOLUTION NO. 363

Offered by Senator Noland and all Senators:
Mourns the death of Joseph E. McNaughton of Effingham.

Senator Geo-Karis moved the adoption of the foregoing resolutions.

The motion prevailed.

And the resolutions were adopted.

PRESENTATION OF RESOLUTION

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

SENATE JOINT RESOLUTION NO. 62

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RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 21, 2002, it stands adjourned until Tuesday, April 2, 2002, at 12:00 o'clock noon; and when the House of Representatives adjourns on Friday, March 22, 2002, it stands adjourned until Monday, April 1, 2002, at 1:00 o'clock p.m.; and when it adjourns on that day, it stands adjourned until Tuesday, April 2, 2002.

The motion prevailed.

And the resolution was adopted.

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

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Bill 1569
Senate Amendment No. 2 to Senate Bill 1803
Senate Amendment No. 2 to Senate Bill 1968
Senate Amendment No. 1 to Senate Bill 2074
Senate Amendment No. 2 to Senate Bill 2227

At the hour of 9:59 o'clock a.m., on motion of Senator W. Jones, and pursuant to Senate Joint Resolution No. 62, the Senate stood adjourned until Tuesday, April 2, 2002 at 12:00 o'clock noon.

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