



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

10TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 7, 2013

10:04 O'CLOCK A.M.

SENATE
Daily Journal Index
10th Legislative Day

Action	Page(s)
Introduction of Senate Bills No'd. 1480-1514.....	4
Introduction of Senate Bills No'd. 1515-1520.....	17
Legislative Measure(s) Filed	3, 4
Message from the House	25
Message from the President	3, 20
Report from Assignments Committee	19, 20
Report from Standing Committee(s)	4
Report(s) Received.....	3
Resolutions Consent Calendar.....	21

Bill Number	Legislative Action	Page(s)
SB 0010	Second Reading	7
SB 0020	Second Reading	18
SB 0026	Second Reading	10
SB 0070	Second Reading	17
SR 0048	Adopted	7
HB 0190	Third Reading	18

The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Paula Gentry, Athens Christian Church, Athens, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 6, 2013, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Report Pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Law Enforcement Training and Standards Board.

Report #9-13 Pursuant to the Taxpayer Accountability and Budget Stabilization Act, submitted by the Office of the Auditor General.

DOT 2012 Annual Report - Transforming Transportation for Tomorrow, submitted by the Department of Transportation.

Report Pursuant to Public Act 87-522 (Flex time), submitted by the Department of Labor.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 1 to House Bill 190

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 7, 2013

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as Chairman of the Senate Committee on Assignments. In addition, I hereby appoint Senator Terry Link to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. These appointments will automatically expire upon adjournment of the Senate Committee on Assignments.

[February 7, 2013]

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

REPORT FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 469, 502, 503, 504, 505, 506, 507, 508, 509, 510, 512, 556, 557, 559 and 560**, reported the same back with the recommendation that the Senate do advise and consent.

Under the rules, the foregoing appointment messages are eligible for consideration by the Senate.

INTRODUCTION OF BILLS

SENATE BILL NO. 1480. Introduced by Senator Harris, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 1481. Introduced by Senator Harris, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 1482. Introduced by Senator Harris, a bill for AN ACT concerning education.

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

SENATE BILL NO. 1483. Introduced by Senator Harris, a bill for AN ACT concerning education.

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

SENATE BILL NO. 1484. Introduced by Senator Harris, a bill for AN ACT concerning transportation.

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

SENATE BILL NO. 1485. Introduced by Senator Harris, a bill for AN ACT concerning transportation.

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

SENATE BILL NO. 1486. Introduced by Senator Harris, a bill for AN ACT concerning business.

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

SENATE BILL NO. 1487. Introduced by Senator Harris, a bill for AN ACT concerning business.

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

[February 7, 2013]

SENATE BILL NO. 1488. Introduced by Senator Harris, a bill for AN ACT concerning health.

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

SENATE BILL NO. 1489. Introduced by Senator Harris, a bill for AN ACT concerning safety.

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

SENATE BILL NO. 1490. Introduced by Senator Harris, a bill for AN ACT concerning aging.

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

SENATE BILL NO. 1491. Introduced by Senator Harris, a bill for AN ACT concerning children.

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

SENATE BILL NO. 1492. Introduced by Senator Harris, a bill for AN ACT concerning military service.

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

SENATE BILL NO. 1493. Introduced by Senator Link, a bill for AN ACT concerning gaming.

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

SENATE BILL NO. 1494. Introduced by Senator Martinez, a bill for AN ACT concerning regulation.

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

SENATE BILL NO. 1495. Introduced by Senator Martinez, a bill for AN ACT concerning regulation.

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

SENATE BILL NO. 1496. Introduced by Senator Martinez, a bill for AN ACT concerning regulation.

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

SENATE BILL NO. 1497. Introduced by Senator Althoff, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 1498. Introduced by Senator Althoff, a bill for AN ACT concerning government.

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

SENATE BILL NO. 1499. Introduced by Senator Cunningham, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1500. Introduced by Senator Cunningham, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 1501. Introduced by Senator Steans, a bill for AN ACT concerning finance.

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

SENATE BILL NO. 1502. Introduced by Senator E. Jones, III, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 1503. Introduced by Senator E. Jones, III, a bill for AN ACT concerning regulation.

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

SENATE BILL NO. 1504. Introduced by Senator E. Jones, III, a bill for AN ACT concerning children.

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

SENATE BILL NO. 1505. Introduced by Senator E. Jones, III, a bill for AN ACT concerning regulation.

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

SENATE BILL NO. 1506. Introduced by Senator E. Jones, III, a bill for AN ACT concerning State government.

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

SENATE BILL NO. 1507. Introduced by Senator E. Jones, III, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1508. Introduced by Senator E. Jones, III, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1509. Introduced by Senator E. Jones, III, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1510. Introduced by Senator E. Jones, III, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1511. Introduced by Senator E. Jones, III, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 1512. Introduced by Senator E. Jones, III, a bill for AN ACT concerning criminal law.

[February 7, 2013]

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

SENATE BILL NO. 1513. Introduced by Senator Lightford, a bill for AN ACT concerning public aid.

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

SENATE BILL NO. 1514. Introduced by Senator Biss, a bill for AN ACT concerning government.

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

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Collins moved that **Senate Resolution No. 48**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE RESOLUTION 48

AMENDMENT NO. 1. Amend Senate Resolution 48 on page 1, by replacing lines 14 through 16 with the following:

"WHEREAS, Nearly 35,000 residents of Illinois are living with HIV; 51% of people diagnosed with HIV are African-American; and".

The motion prevailed.

Senator Collins moved that Senate Resolution No. 48, as amended, be adopted.

The motion prevailed.

And the resolution was adopted.

ANNOUNCEMENT ON ATTENDANCE

Senator Althoff announced for the record that Senator Barickman was absent due to a family medical emergency.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Steans, **Senate Bill No. 10** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 10

AMENDMENT NO. 1. Amend Senate Bill 10 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Religious Freedom and Marriage Fairness Act.

Section 5. Purposes; rules of construction. This Act shall be liberally construed and applied to promote its underlying purpose, which is to provide same-sex and different-sex couples and their children equal access to the status, benefits, protections, rights, and responsibilities of civil marriage.

Section 10. Equal access to marriage.

[February 7, 2013]

(a) All laws of this State applicable to marriage, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil or criminal law, shall apply equally to marriages of same-sex and different-sex couples and their children.

(b) Parties to a marriage and their children, regardless of whether the marriage consists of a same-sex or different-sex couple, shall have all the same benefits, protections, and responsibilities under law, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil or criminal law.

(c) Parties to a marriage shall be included in any definition or use of terms such as "spouse", "family", "immediate family", "dependent", "next of kin", "wife", "husband", "bride", "groom", "wedlock", and other terms that refer to or denote the spousal relationship, as those terms are used throughout the law, regardless of whether the parties to a marriage are of the same sex or different sexes.

(d) To the extent the law of this State adopts, refers to, or relies upon provisions of federal law as applicable to this State, parties to a marriage of the same sex and their children shall be treated under the law of this State as if federal law recognizes the marriages of same-sex couples in the same manner as the law of this State.

Section 15. Religious freedom and human rights protected. Nothing in this Act shall interfere with or regulate the religious practice of any religious denomination or Indian Nation or Tribe or Native Group. Any religious denomination or Indian Nation or Tribe or Native Group is free to choose which marriages it will solemnize or celebrate. Nothing in this Act shall be construed to abrogate, limit, or expand any protection provided by the Illinois Human Rights Act or the Religious Freedom Restoration Act.

Section 20. Severability. If any part of this Act or its application to any person or circumstance is adjudged invalid, such adjudication or application shall not affect the validity of this Act as a whole or of any other part.

Section 905. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 201, 209, and 212 and by adding Section 220 as follows:

(750 ILCS 5/201) (from Ch. 40, par. 201)

Sec. 201. Formalities.) A marriage between 2 persons ~~a man and a woman~~ licensed, solemnized and registered as provided in this Act is valid in this State.

(Source: P.A. 80-923.)

(750 ILCS 5/209) (from Ch. 40, par. 209)

Sec. 209. Solemnization and Registration.)

(a) A marriage may be solemnized by a judge of a court of record, by a retired judge of a court of record, unless the retired judge was removed from office by the Judicial Inquiry Board, except that a retired judge shall not receive any compensation from the State, a county or any unit of local government in return for the solemnization of a marriage and there shall be no effect upon any pension benefits conferred by the Judges Retirement System of Illinois, by a judge of the Court of Claims, by a county clerk in counties having 2,000,000 or more inhabitants, by a public official whose powers include solemnization of marriages, or in accordance with the prescriptions of any religious denomination, Indian Nation or Tribe or Native Group, provided that when such prescriptions require an officiant, the officiant be in good standing with his or her religious denomination, Indian Nation or Tribe or Native Group. Either the person solemnizing the marriage, or, if no individual acting alone solemnized the marriage, both parties to the marriage, shall complete the marriage certificate form and forward it to the county clerk within 10 days after such marriage is solemnized.

(a-5) Nothing in this Act shall be construed to require any religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group, to solemnize any marriage. Instead, any religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group is free to choose which marriages it will solemnize. Notwithstanding any other law to the contrary, a refusal by a religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group to solemnize any marriage under this Act shall not create or be the basis for any civil, administrative, or criminal penalty, claim, or cause of action.

(b) The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it, if either party to the marriage believed him or her to be so qualified or by the fact that the marriage was inadvertently solemnized in a county in Illinois other

than the county where the license was issued.

(Source: P.A. 95-775, eff. 1-1-09.)

(750 ILCS 5/212) (from Ch. 40, par. 212)

Sec. 212. Prohibited Marriages.

(a) The following marriages are prohibited:

(1) a marriage entered into prior to the dissolution of an earlier marriage, civil union, or substantially similar legal relationship of one of the parties, unless the parties to the marriage are the same as the parties to a civil union and are seeking to convert their civil union to a marriage pursuant to Section 65 of the Illinois Religious Freedom Protection and Civil Union Act;

(2) a marriage between an ancestor and a descendant or between siblings ~~a brother and a sister~~, whether the

relationship is by the half or the whole blood or by adoption;

(3) a marriage between an uncle and a niece, between an uncle and a nephew, or between an aunt and a nephew, or between an aunt and a niece, whether the relationship is by the half or the whole blood;

(4) a marriage between cousins of the first degree; however, a marriage between first cousins is not prohibited if:

(i) both parties are 50 years of age or older; or

(ii) either party, at the time of application for a marriage license, presents for filing with the county clerk of the county in which the marriage is to be solemnized, a certificate signed by a licensed physician stating that the party to the proposed marriage is permanently and irreversibly sterile;

(5) ~~(blank), a marriage between 2 individuals of the same sex.~~

(b) Parties to a marriage prohibited under subsection (a) of this Section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(c) Children born or adopted of a prohibited or common law marriage are the lawful children of the parties.

(Source: P.A. 94-229, eff. 1-1-06.)

(750 ILCS 5/220 new)

Sec. 220. Consent to jurisdiction. Members of a same-sex couple who enter into a marriage in this State consent to the jurisdiction of the courts of this State for the purpose of any action relating to the marriage, even if one or both parties cease to reside in this State. A court shall enter a judgment of dissolution of marriage if at the time the action is commenced, it meets the grounds for dissolution of marriage set forth in this Act.

(750 ILCS 5/213.1 rep.)

Section 910. The Illinois Marriage and Dissolution of Marriage Act is amended by repealing Section 213.1.

Section 915. The Illinois Religious Freedom Protection and Civil Union Act is amended by changing Section 60 and by adding Section 65 as follows:

(750 ILCS 75/60)

Sec. 60. Respect for marriages and civil unions entered into in other jurisdictions Reciprocity. A marriage between persons of the same sex, a civil union, or a substantially similar legal relationship other than common law marriage, legally entered into in another jurisdiction, shall be recognized in Illinois as a civil union. A marriage, whether of the same sex or different sexes and providing that it is not a common law marriage, legally entered into in another jurisdiction, shall be recognized in this State as a marriage in accordance with the provisions of the Illinois Marriage and Dissolution of Marriage Act, except that Section 216 of the Illinois Marriage and Dissolution of Marriage Act shall not apply to marriages of same-sex couples validly entered into in another jurisdiction.

(Source: P.A. 96-1513, eff. 6-1-11.)

(750 ILCS 75/65 new)

Sec. 65. Voluntary conversion of civil union to marriage.

(a) Parties to a civil union may apply for and receive a marriage license and have the marriage solemnized and registered under Section 209 of the Illinois Marriage and Dissolution of Marriage Act, provided the parties are otherwise eligible to marry and the parties to the marriage are the same as the parties to the civil union. The fee for application for a marriage license shall be waived in such circumstances.

(b) For a period of one year following the effective date of this amendatory Act of the 98th General

[February 7, 2013]

Assembly, parties to a civil union may have their civil union legally designated and recorded as a marriage, deemed effective on the date of solemnization of the civil union, without payment of any fee, provided the parties' civil union has not been dissolved and there is no pending proceeding to dissolve the civil union. Upon application to a county clerk, the parties shall be issued a marriage certificate. The parties' signatures on the marriage certificate and return of the signed certificate for recording shall be sufficient to convert the civil union into a marriage. The county clerk shall notify the Department of Public Health within 45 days by furnishing a copy of the certificate to the Department of Public Health.

(c) When parties to a civil union have married, or when their civil union has been converted to a marriage under this Section, the parties, as of the date stated on the marriage certificate, shall no longer be considered in a civil union, but rather shall be in a legal marriage.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect 30 days after 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 Steans, **Senate Bill No. 26** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 26

AMENDMENT NO. 1. Amend Senate Bill 26 as follows:

on page 2, line 7, by replacing "and 5-2" with "5-2, 5A-2, 5A-4, 5A-5, 5A-8, and 5A-12.4"; and

on page 21, immediately below line 18, by inserting the following:

"(305 ILCS 5/5A-2) (from Ch. 23, par. 5A-2)

(Section scheduled to be repealed on January 1, 2015)

Sec. 5A-2. Assessment.

(a) Subject to Sections 5A-3 and 5A-10, for State fiscal years 2009 through 2014, and from July 1, 2014 through December 31, 2014, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to \$218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days.

For State fiscal years 2009 through 2014, and after a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Illinois Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Illinois Department or its duly authorized agents and employees.

(b) (Blank).

(b-5) Subject to Sections 5A-3 and 5A-10, for the portion of State fiscal year 2012, beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2014, and July 1, 2014 through December 31, 2014, an annual assessment on outpatient services is imposed on each hospital provider in an amount equal to .008766 multiplied by the hospital's outpatient gross revenue. For the period beginning June 10, 2012 through June 30, 2012, the annual assessment on outpatient services shall be prorated by multiplying the assessment amount by a fraction, the numerator of which is 21 days and the denominator of which is 365 days.

For the portion of State fiscal year 2012, beginning June 10, 2012 through June 30, 2012, and State fiscal years 2013 through 2014, and July 1, 2014 through December 31, 2014, a hospital's outpatient gross revenue shall be determined using the most recent data available from each hospital's 2009 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on June 30, 2011, without regard to any subsequent adjustments or changes to such data. If a

[February 7, 2013]

hospital's 2009 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's outpatient gross revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

(c) (Blank).

(d) Notwithstanding any of the other provisions of this Section, the Department is authorized to adopt rules to reduce the rate of any annual assessment imposed under this Section, as authorized by Section 5-46.2 of the Illinois Administrative Procedure Act.

(e) Notwithstanding any other provision of this Section, any plan providing for an assessment on a hospital provider as a permissible tax under Title XIX of the federal Social Security Act and Medicaid-eligible payments to hospital providers from the revenues derived from that assessment shall be reviewed by the Illinois Department of Healthcare and Family Services, as the Single State Medicaid Agency required by federal law, to determine whether those assessments and hospital provider payments meet federal Medicaid standards. If the Department determines that the elements of the plan may meet federal Medicaid standards and a related State Medicaid Plan Amendment is prepared in a manner and form suitable for submission, that State Plan Amendment shall be submitted in a timely manner for review by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services and subject to approval by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services. No such plan shall become effective without approval by the Illinois General Assembly by the enactment into law of related legislation. Notwithstanding any other provision of this Section, the Department is authorized to adopt rules to reduce the rate of any annual assessment imposed under this Section. Any such rules may be adopted by the Department under Section 5-50 of the Illinois Administrative Procedure Act.

(Source: P.A. 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12; 97-689, eff. 6-14-12.)

(305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

Sec. 5A-4. Payment of assessment; penalty.

(a) The assessment imposed by Section 5A-2 for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the fourteenth State business day of each month. No installment payment of an assessment imposed by Section 5A-2 shall be due and payable, however, until after the Comptroller has issued the payments required under this Article.

Except as provided in subsection (a-5) of this Section, the assessment imposed by subsection (b-5) of Section 5A-2 for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal year 2013 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payment of an assessment imposed by subsection (b-5) of Section 5A-2 shall be due and payable, however, until after: (i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.4, have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, and the waiver under 42 CFR 433.68 for the assessment imposed by subsection (b-5) of Section 5A-2, if necessary, has been granted by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services; and (ii) the Comptroller has issued the payments required under Section 5A-12.4. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.4 and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under subsection (b-5) of Section 5A-2 prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.4.

(a-5) The Illinois Department may accelerate the schedule upon which assessment installments are due and payable by hospitals with a payment ratio greater than or equal to one. Such acceleration of due dates for payment of the assessment may be made only in conjunction with a corresponding acceleration in access payments identified in Section 5A-12.2 or Section 5A-12.4 to the same hospitals. For the purposes of this subsection (a-5), a hospital's payment ratio is defined as the quotient obtained by dividing the total payments for the State fiscal year, as authorized under Section 5A-12.2 or Section 5A-12.4, by the total assessment for the State fiscal year imposed under Section 5A-2 or subsection (b-5) of Section 5A-2.

(b) The Illinois Department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this Section due to financial difficulties, as determined by the Illinois Department.

(c) If a hospital provider fails to pay the full amount of an installment when due (including any extensions granted under subsection (b)), there shall, unless waived by the Illinois Department for reasonable cause, be added to the assessment imposed by Section 5A-2 a penalty assessment equal to the lesser of (i) 5% of the amount of the installment not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each 30-day period thereafter or (ii) 100% of the installment amount not paid on or before the due date. For purposes of this subsection, payments will be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.

(d) Any assessment amount that is due and payable to the Illinois Department more frequently than once per calendar quarter shall be remitted to the Illinois Department by the hospital provider by means of electronic funds transfer. The Illinois Department may provide for remittance by other means if (i) the amount due is less than \$10,000 or (ii) electronic funds transfer is unavailable for this purpose.

(Source: P.A. 96-821, eff. 11-20-09; 97-688, eff. 6-14-12; 97-689, eff. 6-14-12.)

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

Sec. 5A-5. Notice; penalty; maintenance of records.

(a) The Illinois Department shall send a notice of assessment to every hospital provider subject to assessment under this Article. The notice of assessment shall notify the hospital of its assessment and shall be sent after receipt by the Department of notification from the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services that the payment methodologies required under this Article and, if necessary, the waiver granted under 42 CFR 433.68 have been approved. The notice shall be on a form prepared by the Illinois Department and shall state the following:

(1) The name of the hospital provider.

(2) The address of the hospital provider's principal place of business from which the provider engages in the occupation of hospital provider in this State, and the name and address of each hospital operated, conducted, or maintained by the provider in this State.

(3) The occupied bed days, occupied bed days less Medicare days, adjusted gross hospital revenue, or outpatient gross revenue of the hospital provider (whichever is applicable), the amount of assessment imposed under Section 5A-2 for the State fiscal year for which the notice is sent, and the amount of each installment to be paid during the State fiscal year.

(4) (Blank).

(5) Other reasonable information as determined by the Illinois Department.

(b) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, the provider shall pay the assessment for each hospital separately.

(c) Notwithstanding any other provision in this Article, in the case of a person who ceases to conduct, operate, or maintain a hospital in respect of which the person is subject to assessment under this Article as a hospital provider, the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under Section 5A-2 by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate, or maintain a hospital, the person shall pay the assessment for the year as so adjusted (to the extent not previously paid).

(d) Notwithstanding any other provision in this Article, a provider who commences conducting, operating, or maintaining a hospital, upon notice by the Illinois Department, shall pay the assessment computed under Section 5A-2 and subsection (c) in installments on the due dates stated in the notice and on the regular installment due dates for the State fiscal year occurring after the due dates of the initial notice.

(e) Notwithstanding any other provision in this Article, for State fiscal years 2009 through ~~2014~~ 2015, in the case of a hospital provider that did not conduct, operate, or maintain a hospital in 2005, the assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Illinois Department. Notwithstanding any other provision in this Article, for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2014, and for July 1, 2014 through December 31, 2014, in the case of a hospital provider that did not conduct, operate, or maintain a hospital in 2009, the assessment under subsection (b-5) of Section 5A-2 for that State fiscal year shall be computed on the basis of hypothetical gross outpatient revenue for the full calendar year as determined by the Illinois Department.

(f) Every hospital provider subject to assessment under this Article shall keep sufficient records to permit the determination of adjusted gross hospital revenue for the hospital's fiscal year. All such records shall be kept in the English language and shall, at all times during regular business hours of the day, be subject to inspection by the Illinois Department or its duly authorized agents and employees.

[February 7, 2013]

(g) The Illinois Department may, by rule, provide a hospital provider a reasonable opportunity to request a clarification or correction of any clerical or computational errors contained in the calculation of its assessment, but such corrections shall not extend to updating the cost report information used to calculate the assessment.

(h) (Blank).

(Source: P.A. 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12; 97-689, eff. 6-14-12; revised 10-17-12.)

(305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

Sec. 5A-8. Hospital Provider Fund.

(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

(1) For making payments to hospitals as required under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(2) For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Code.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing activities under this Code, under the Children's Health Insurance Program Act, under the Covering ALL KIDS Health Insurance Act, and under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act.

(4) For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

(5) For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

(6) For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund plus any interest that would have been earned by that fund on the monies that had been transferred.

(6.5) For making transfers to the Healthcare Provider Relief Fund, except that transfers made under this paragraph (6.5) shall not exceed \$60,000,000 in the aggregate.

(7) For making transfers not exceeding the following amounts, in State fiscal years 2013 and 2014 ~~in each State fiscal year during which an assessment is imposed pursuant to Section 5A-2~~, to the following designated funds:

Health and Human Services Medicaid Trust	
Fund.....	\$20,000,000
Long-Term Care Provider Fund.....	\$30,000,000
General Revenue Fund.....	\$80,000,000.

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.1) For making transfers not exceeding the following amounts, in State fiscal year 2015, to the following designated funds:

Health and Human Services Medicaid Trust	
Fund.....	\$10,000,000
Long-Term Care Provider Fund.....	\$15,000,000
General Revenue Fund.....	\$40,000,000.

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.5) (Blank).

(7.8) (Blank).

(7.9) (Blank).

(7.10) For State fiscal years 2013 and 2014, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health Care Provider Relief Fund.....	\$50,000,000
---------------------------------------	--------------

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.11) For State fiscal year 2015, for making transfers of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health Care Provider Relief Fund.....\$25,000,000

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.12) For State fiscal year 2013, for increasing by 21/365ths the transfer of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health Care Provider Relief Fund.....\$2,870,000

(8) For making refunds to hospital providers pursuant to Section 5A-10.

Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

- (1) All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.
- (2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.
- (3) Any interest or penalty levied in conjunction with the administration of this Article.
- (4) Moneys transferred from another fund in the State treasury.
- (5) All other moneys received for the Fund from any other source, including interest earned thereon.

(d) (Blank).

(Source: P.A. 96-3, eff. 2-27-09; 96-45, eff. 7-15-09; 96-821, eff. 11-20-09; 96-1530, eff. 2-16-11; 97-688, eff. 6-14-12; 97-689, eff. 6-14-12; revised 10-17-12.)

(305 ILCS 5/5A-12.4)

(Section scheduled to be repealed on January 1, 2015)

Sec. 5A-12.4. Hospital access improvement payments on or after ~~June 10, 2012~~ ~~July 1, 2012~~.

(a) Hospital access improvement payments. To preserve and improve access to hospital services, for hospital and physician services rendered on or after ~~June 10, 2012~~ ~~July 1, 2012~~, the Illinois Department shall, except for hospitals described in subsection (b) of Section 5A-3, make payments to hospitals as set forth in this Section. These payments shall be paid in 12 equal installments on or before the 7th State business day of each month, except that no payment shall be due within 100 days after the later of the date of notification of federal approval of the payment methodologies required under this Section or any waiver required under 42 CFR 433.68, at which time the sum of amounts required under this Section prior to the date of notification is due and payable. Payments under this Section are not due and payable, however, until (i) the methodologies described in this Section are approved by the federal government in an appropriate State Plan amendment and (ii) the assessment imposed under subsection (b-5) of Section 5A-2 of this Article is determined to be a permissible tax under Title XIX of the Social Security Act. The Illinois Department shall take all actions necessary to implement the payments under this Section effective ~~June 10, 2012~~ ~~July 1, 2012~~, including but not limited to providing public notice pursuant to federal requirements, the filing of a State Plan amendment, and the adoption of administrative rules. For State fiscal year 2013, payments under this Section shall be increased by 21/365ths of the moneys resulting from the assessment under subsection (b-5) of Section 5A-2 and received from hospital providers under Section 5A-4 for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012.

(a-5) Accelerated schedule. The Illinois Department may, when practicable, accelerate the schedule upon which payments authorized under this Section are made.

(b) Magnet and perinatal hospital adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that, as of August 25, 2011, was recognized as a Magnet hospital by the American Nurses Credentialing Center and that, as of September 14, 2011, was designated as a level III perinatal center amounts as follows:

(1) For hospitals with a case mix index equal to or greater than the 80th percentile of case mix indices for all Illinois hospitals, \$470 for each Medicaid general acute care inpatient day of care provided by the hospital during State fiscal year 2009.

(2) For all other hospitals, \$170 for each Medicaid general acute care inpatient day of care provided by the hospital during State fiscal year 2009.

(c) Trauma level II adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that, as of July 1, 2011, was designated as a level II trauma center amounts as follows:

(1) For hospitals with a case mix index equal to or greater than the 50th percentile of case mix indices for all Illinois hospitals, \$470 for each Medicaid general acute care inpatient day of care provided by the hospital during State fiscal year 2009.

(2) For all other hospitals, \$170 for each Medicaid general acute care inpatient day of care provided by the hospital during State fiscal year 2009.

(3) For the purposes of this adjustment, hospitals located in the same city that alternate their trauma center designation as defined in 89 Ill. Adm. Code 148.295(a)(2) shall have the adjustment provided under this Section divided between the 2 hospitals.

(d) Dual-eligible adjustment. In addition to rates paid for inpatient services, the Department shall pay each Illinois general acute care hospital that had a ratio of crossover days to total inpatient days for programs under Title XIX of the Social Security Act administered by the Department (utilizing information from 2009 paid claims) greater than 50%, and a case mix index equal to or greater than the 75th percentile of case mix indices for all Illinois hospitals, a rate of \$400 for each Medicaid inpatient day during State fiscal year 2009 including crossover days.

(e) Medicaid volume adjustment. In addition to rates paid for inpatient hospital services, the Department shall pay to each Illinois general acute care hospital that provided more than 10,000 Medicaid inpatient days of care in State fiscal year 2009, has a Medicaid inpatient utilization rate of at least 29.05% as calculated by the Department for the Rate Year 2011 Disproportionate Share determination, and is not eligible for Medicaid Percentage Adjustment payments in rate year 2011 an amount equal to \$135 for each Medicaid inpatient day of care provided during State fiscal year 2009.

(f) Outpatient service adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois hospital an amount at least equal to \$100 multiplied by the hospital's outpatient ambulatory procedure listing services (excluding categories 3B and 3C) and by the hospital's end stage renal disease treatment services provided for State fiscal year 2009.

(g) Ambulatory service adjustment.

(1) In addition to the rates paid for outpatient hospital services provided in the emergency department, the Department shall pay each Illinois hospital an amount equal to \$105 multiplied by the hospital's outpatient ambulatory procedure listing services for categories 3A, 3B, and 3C for State fiscal year 2009.

(2) In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois freestanding psychiatric hospital an amount equal to \$200 multiplied by the hospital's ambulatory procedure listing services for category 5A for State fiscal year 2009.

(h) Specialty hospital adjustment. In addition to the rates paid for outpatient hospital services, the Department shall pay each Illinois long term acute care hospital and each Illinois hospital devoted exclusively to the treatment of cancer, an amount equal to \$700 multiplied by the hospital's outpatient ambulatory procedure listing services and by the hospital's end stage renal disease treatment services (including services provided to individuals eligible for both Medicaid and Medicare) provided for State fiscal year 2009.

(h-1) ER Safety Net Payments. In addition to rates paid for outpatient services, the Department shall pay to each Illinois general acute care hospital with an emergency room ratio equal to or greater than 55%, that is not eligible for Medicaid percentage adjustments payments in rate year 2011, with a case mix index equal to or greater than the 20th percentile, and that is not designated as a trauma center by the Illinois Department of Public Health on July 1, 2011, as follows:

(1) Each hospital with an emergency room ratio equal to or greater than 74% shall receive a rate of \$225 for each outpatient ambulatory procedure listing and end-stage renal disease treatment service provided for State fiscal year 2009.

(2) For all other hospitals, \$65 shall be paid for each outpatient ambulatory procedure listing and end-stage renal disease treatment service provided for State fiscal year 2009.

(i) Physician supplemental adjustment. In addition to the rates paid for physician services, the Department shall make an adjustment payment for services provided by physicians as follows:

(1) Physician services eligible for the adjustment payment are those provided by

physicians employed by or who have a contract to provide services to patients of the following hospitals: (i) Illinois general acute care hospitals that provided at least 17,000 Medicaid inpatient days of care in State fiscal year 2009 and are eligible for Medicaid Percentage Adjustment Payments in rate year 2011; and (ii) Illinois freestanding children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

(2) The amount of the adjustment for each eligible hospital under this subsection (i) shall be determined by rule by the Department to spend a total pool of at least \$6,960,000 annually. This pool shall be allocated among the eligible hospitals based on the difference between the upper payment limit for what could have been paid under Medicaid for physician services provided during State fiscal year 2009 by physicians employed by or who had a contract with the hospital and the amount that was paid under Medicaid for such services, provided however, that in no event shall physicians at any individual hospital collectively receive an annual, aggregate adjustment in excess of \$435,000, except that any amount that is not distributed to a hospital because of the upper payment limit shall be reallocated among the remaining eligible hospitals that are below the upper payment limitation, on a proportionate basis.

(i-5) For any children's hospital which did not charge for its services during the base period, the Department shall use data supplied by the hospital to determine payments using similar methodologies for freestanding children's hospitals under this Section or Section ~~5A-12.2~~ 42.2.

(j) For purposes of this Section, a hospital that is enrolled to provide Medicaid services during State fiscal year 2009 shall have its utilization and associated reimbursements annualized prior to the payment calculations being performed under this Section.

(k) For purposes of this Section, the terms "Medicaid days", "ambulatory procedure listing services", and "ambulatory procedure listing payments" do not include any days, charges, or services for which Medicare or a managed care organization reimbursed on a capitated basis was liable for payment, except where explicitly stated otherwise in this Section.

(l) Definitions. Unless the context requires otherwise or unless provided otherwise in this Section, the terms used in this Section for qualifying criteria and payment calculations shall have the same meanings as those terms have been given in the Illinois Department's administrative rules as in effect on October 1, 2011. Other terms shall be defined by the Illinois Department by rule.

As used in this Section, unless the context requires otherwise:

"Case mix index" means, for a given hospital, the sum of the per admission (DRG) relative weighting factors in effect on January 1, 2005, for all general acute care admissions for State fiscal year 2009, excluding Medicare crossover admissions and transplant admissions reimbursed under 89 Ill. Adm. Code 148.82, divided by the total number of general acute care admissions for State fiscal year 2009, excluding Medicare crossover admissions and transplant admissions reimbursed under 89 Ill. Adm. Code 148.82.

"Emergency room ratio" means, for a given hospital, a fraction, the denominator of which is the number of the hospital's outpatient ambulatory procedure listing and end-stage renal disease treatment services provided for State fiscal year 2009 and the numerator of which is the hospital's outpatient ambulatory procedure listing services for categories 3A, 3B, and 3C for State fiscal year 2009.

"Medicaid inpatient day" means, for a given hospital, the sum of days of inpatient hospital days provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring during State fiscal year 2009 that was adjudicated by the Department through June 30, 2010.

"Outpatient ambulatory procedure listing services" means, for a given hospital, ambulatory procedure listing services, as described in 89 Ill. Adm. Code 148.140(b), provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding services for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for services occurring in State fiscal year 2009 that were adjudicated by the Department through September 2, 2010.

"Outpatient end-stage renal disease treatment services" means, for a given hospital, the services, as described in 89 Ill. Adm. Code 148.140(c), provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding payments for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for services occurring in State fiscal year 2009 that were adjudicated by the Department through September 2, 2010.

(m) The Department may adjust payments made under this Section 5A-12.4 to comply with federal law or regulations regarding hospital-specific payment limitations on government-owned or government-

operated hospitals.

(n) Notwithstanding any of the other provisions of this Section, the Department is authorized to adopt rules that change the hospital access improvement payments specified in this Section, but only to the extent necessary to conform to any federally approved amendment to the Title XIX State plan. Any such rules shall be adopted by the Department as authorized by Section 5-50 of the Illinois Administrative Procedure Act. Notwithstanding any other provision of law, any changes implemented as a result of this subsection (n) shall be given retroactive effect so that they shall be deemed to have taken effect as of the effective date of this Section.

(o) The Department of Healthcare and Family Services must submit a State Medicaid Plan Amendment to the Centers of Medicare and Medicaid Services to implement the payments under this Section within 30 days of June 14, 2012 (the effective date of Public Act 97-688 ~~this Act~~). (Source: P.A. 97-688, eff. 6-14-12; revised 8-3-12.)".

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 Koehler, **Senate Bill No. 70** having been printed, was taken up, read by title a second time and ordered to a third reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 77

Offered by Senator J. Collins and all Senators:
Mourns the death of Sylvia B. Washington.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

INTRODUCTION OF BILLS

SENATE BILL NO. 1515. Introduced by Senator Collins, a bill for AN ACT concerning State government.

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

SENATE BILL NO. 1516. Introduced by Senator Connelly, a bill for AN ACT concerning government.

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

SENATE BILL NO. 1517. Introduced by Senator Connelly, a bill for AN ACT concerning finance.

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

SENATE BILL NO. 1518. Introduced by Senator Connelly, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 1519. Introduced by Senator Connelly, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 1520. Introduced by Senator McCann, a bill for AN ACT concerning local government.

[February 7, 2013]

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Kotowski, **House Bill No. 190** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 38; NAYS 15.

The following voted in the affirmative:

Bertino-Tarrant	Harmon	Lightford	Sandoval
Biss	Harris	Link	Silverstein
Bush	Hastings	Manar	Stadelman
Collins	Holmes	Martinez	Steans
Cullerton, T.	Hunter	McCann	Sullivan
Cunningham	Jacobs	McGuire	Trotter
Delgado	Jones	Morrison	Van Pelt
Forby	Koehler	Mulroe	Mr. President
Frerichs	Kotowski	Muñoz	
Haine	Landek	Noland	

The following voted in the negative:

Althoff	Duffy	Murphy	Righter
Bivins	LaHood	Oberweis	Rose
Brady	McCarter	Radogno	Syverson
Connelly	McConnaughay	Rezin	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Harmon, **Senate Bill No. 20** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 20

AMENDMENT NO. 1. Amend Senate Bill 20 as follows:

on page 9, line 9, by replacing "and (iv)" with ", (iv)"; and

on page 9, lines 15 and 16, by replacing ", or Plant Operating Engineer" with ", Plant Operating Engineer, Civil Engineer V, Civil Engineer VI, Civil Engineer VII, Technical Manager I, Technical Manager II, Technical Manager III, Technical Manager IV, Technical Manager V, Technical Manager VI, Realty Specialist III, Realty Specialist IV, Realty Specialist V, Technical Advisor I, Technical Advisor II, Technical Advisor III, Technical Advisor IV, or Technical Advisor V, and (v) beginning on the effective date of this amendatory Act of the 98th General Assembly and notwithstanding any other provision of this Act, any mental health administrator in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 8K), any attorney in the

[February 7, 2013]

Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 8L), any nuclear safety staff attorney in the Illinois Emergency Management Agency, any Section Chief, Deputy Lab Director, Research and Development Coordinator, Quality Assurance Director, or Assistant Director of Training in the Department of State Police who is classified as or who holds the position of Senior Public Service Administrator (Option 7), any employee of the Office of the Inspector General in the Department of Human Services who is classified as or who holds the position of Public Service Administrator (Option 7), any Deputy of Intelligence in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 7), and any employee of the Department of State Police who handles issues concerning the Illinois State Police Sex Offender Registry and who is classified as or holds the position of Public Service Administrator (Option 7)"; and

on page 21, line 7, by replacing "subsection (e)" with "subsections (e) and (f)"; and

on page 24, line 13, by replacing ", or Plant Operating Engineer." with the following:

", Plant Operating Engineer, Civil Engineer V, Civil Engineer VI, Civil Engineer VII, Technical Manager I, Technical Manager II, Technical Manager III, Technical Manager IV, Technical Manager V, Technical Manager VI, Realty Specialist III, Realty Specialist IV, Realty Specialist V, Technical Advisor I, Technical Advisor II, Technical Advisor III, Technical Advisor IV, or Technical Advisor V.

(f) The provisions of this Section also do not apply to any mental health administrator in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 8K), any attorney in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 8L), any nuclear safety staff attorney in the Illinois Emergency Management Agency, any Section Chief, Deputy Lab Director, Research and Development Coordinator, Quality Assurance Director, or Assistant Director of Training in the Department of State Police who is classified as or who holds the position of Senior Public Service Administrator (Option 7), any employee of the Office of the Inspector General in the Department of Human Services who is classified as or who holds the position of Public Service Administrator (Option 7), any Deputy of Intelligence in the Department of Corrections who is classified as or who holds the position of Public Service Administrator (Option 7), or any employee of the Department of State Police who handles issues concerning the Illinois State Police Sex Offender Registry and who is classified as or holds the position of Public Service Administrator (Option 7)."

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

Senator Silverstein asked and obtained unanimous consent for a Democrat caucus to begin immediately upon adjournment.

At the hour of 11:02 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 11:11 o'clock a.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its February 7, 2013 meeting, reported the following Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Bill No. 1170.**

Appropriations I: **Senate Bill No. 1193.**

[February 7, 2013]

Appropriations II: **Senate Bill No. 29.**

Criminal Law: **Senate Bill No. 1192.**

Education: **Senate Bill No. 1221.**

Executive: **Senate Bills Numbered 27, 34, 35, 40, 55, 1216, 1223, 1224 and 1245; House Bill No. 156.**

Executive Appointments: **Senate Bill No. 1188; Appointment Message No. 38.**

Financial Institutions: **Senate Bills Numbered 1198 and 1218; Senate Committee Amendment No. 1 to Senate Bill 56.**

Human Services: **Senate Bills Numbered 1186, 1197 and 1225.**

Insurance: **Senate Bill No. 1194.**

Judiciary: **Senate Bills Numbered 42, 1164, 1169, 1171, 1195, 1207, 1210, 1219 and 1234.**

Labor and Commerce: **Senate Bill No. 1222.**

Licensed Activities And Pensions: **Senate Bills Numbered 1168, 1184, 1217 and 1229.**

Local Government: **Senate Bills Numbered 1204 and 1244.**

Public Health: **Senate Bills Numbered 1191 and 1226.**

Revenue: **Senate Bills Numbered 1196, 1227 and 1228.**

State Government and Veterans Affairs: **Senate Bill No. 1213; Senate Resolution No. 65.**

Transportation: **Senate Bills Numbered 1214, 1215 and 1233.**

Senator Harmon, Chairperson of the Committee on Assignments, during its February 7, 2013 meeting, reported that the Committee recommends that **Senate Bill No. 69** be re-referred from the Committee on Public Health to the Committee on Judiciary.

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 7, 2013

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling the Senate Session scheduled Friday, February 15, 2013.

[February 7, 2013]

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

ANNOUNCEMENT

The Chair announced that the Senate Session scheduled for Friday, February 15, 2013, has been cancelled and that Friday, February 15, 2013, is also the deadline for filing substantive Senate Bills.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 7

Offered by Senator Link and all Senators:
Mourns the death of Joseph I. Leben of Grayslake, formerly of Waukegan.

SENATE RESOLUTION NO. 8

Offered by Senator Link and all Senators:
Mourns the death of Virginia R. Blomquist (nee Olson) of Waukegan.

SENATE RESOLUTION NO. 9

Offered by Senator Link and all Senators:
Mourns the death of Jerome "Jerry" Brolley of Chicago.

SENATE RESOLUTION NO. 10

Offered by Senator Link and all Senators:
Mourns the death of Gary Grogan of Waukegan.

SENATE RESOLUTION NO. 11

Offered by Senator Link and all Senators:
Mourns the death of Mark Koziol, formerly of Waukegan.

SENATE RESOLUTION NO. 12

Offered by Senator Link and all Senators:
Mourns the death of Audrey Marie Herberger (nee O'Hare) of Waukegan.

SENATE RESOLUTION NO. 13

Offered by Senator Link and all Senators:
Mourns the death of Beverly Alice Schlau of Vernon Hills.

SENATE RESOLUTION NO. 14

Offered by Senator Link and all Senators:
Mourns the death of Loretta F. Marren of Waukegan.

SENATE RESOLUTION NO. 15

Offered by Senator Link and all Senators:
Mourns the death of Marlene Abdula Hunt.

SENATE RESOLUTION NO. 16

Offered by Senator Link and all Senators:
Mourns the death of Willie Woods.

SENATE RESOLUTION NO. 17

Offered by Senator Link and all Senators:

[February 7, 2013]

Mourns the death of Glenn B. Peterson of Kenosha, Wisconsin.

SENATE RESOLUTION NO. 18

Offered by Senators Kotowski - Mulroe and all Senators:

Mourns the death of Tadeusz S. "Ted" Forys.

SENATE RESOLUTION NO. 19

Offered by Senator Harris III and all Members:

Mourns the death of Josephine Armstead-Bowman of Dixmoor.

SENATE RESOLUTION NO. 20

Offered by Senator Haine and all Senators:

Mourns the death of Dr. Ralph Baahlmann, Sr., of Godfrey.

SENATE RESOLUTION NO. 21

Offered by Senator Haine and all Senators:

Mourns the death of Gerald W. "Jerry" Schmidt of Godfrey.

SENATE RESOLUTION NO. 22

Offered by Senator Link and all Senators:

Mourns the death of Thomas Charles Hebior of North Chicago.

SENATE RESOLUTION NO. 23

Offered by Senator Koehler and all Senators:

Mourns the death of Irene Zehr of Peoria.

SENATE RESOLUTION NO. 24

Offered by Senator Haine and all Senators:

Mourns the death of George Joseph Paynic.

SENATE RESOLUTION NO. 25

Offered by Senator Haine and all Senators:

Mourns the death of Stephen A. Paynic.

SENATE RESOLUTION NO. 26

Offered by Senator Dillard and all Senators:

Mourns the death of Robert M. Magnuson.

SENATE RESOLUTION NO. 27

Offered by Senator Dillard and all Senators:

Mourns the death of Paul W. Fromer of Downers Grove.

SENATE RESOLUTION NO. 28

Offered by Senator Dillard and all Senators:

Mourns the death of Susan Fox McGuire.

SENATE RESOLUTION NO. 29

Offered by Senator Dillard and all Senators:

Mourns the death of William E. Gahlberg.

SENATE RESOLUTION NO. 30

Offered by Senator Dillard and all Senators:

Mourns the death of Joseph Michael Graziano of Clarendon Hills.

SENATE RESOLUTION NO. 31

Offered by Senator Hastings and all Senators:

Mourns the death of Dianne Ruth Jones.

SENATE RESOLUTION NO. 32

Offered by Senator Haine and all Senators:
Mourns the death of William "Bill" Redden of Wood River.

SENATE RESOLUTION NO. 33

Offered by Senator Haine and all Senators:
Mourns the death of Michael D. Sikora of Edwardsville, formerly of Granite City.

SENATE RESOLUTION NO. 34

Offered by Senator Haine and all Senators:
Mourns the death of Donald Mansfield Cox of Alton.

SENATE RESOLUTION NO. 35

Offered by Senator Haine and all Senators:
Mourns the death of Lawrence Garbs, Jr., of Edwardsville.

SENATE RESOLUTION NO. 36

Offered by Senator Koehler and all Senators:
Mourns the death of Arthur Greenberg of Peoria.

SENATE RESOLUTION NO. 37

Offered by Senator McGuire and all Senators:
Mourns the death of Edwin "Bing" Bertrand of Joliet.

SENATE RESOLUTION NO. 38

Offered by Senator McGuire and all Senators:
Mourns the death of Marene Hardy-Bates.

SENATE RESOLUTION NO. 39

Offered by Senator Kotowski and all Senators:
Mourns the death of Luke Spallone of Chicago.

SENATE RESOLUTION NO. 40

Offered by Senator Kotowski and all Senators:
Mourns the death of John M. Kmetz, Sr.

SENATE RESOLUTION NO. 41

Offered by Senator Haine and all Senators:
Mourns the death of Mary Lou "Peanut" Johnson of Godfrey.

SENATE RESOLUTION NO. 42

Offered by Senator Haine and all Senators:
Mourns the death of Walter C. Milton of Staunton, formerly of Granite City.

SENATE RESOLUTION NO. 43

Offered by Senator Syverson and all Senators:
Mourns the death of Daniel Joseph Edelman of Chicago.

SENATE RESOLUTION NO. 44

Offered by Senator Radogno and all Senators:
Mourns the death of Martina "Martye" W. Dillard (nee Whitfield) of Hinsdale.

SENATE RESOLUTION NO. 45

Offered by Senator Barickman and all Senators:
Mourns the death of Judith "Jude" Boyer of Bloomington.

SENATE RESOLUTION NO. 46

Offered by Senator Koehler and all Senators:
Mourns the death of James A. Maloof of Peoria.

SENATE RESOLUTION NO. 47

Offered by Senator Trotter and all Senators:
Mourns the death of James B. "Tiny" Blanton III of Chicago.

SENATE RESOLUTION NO. 49

Offered by Senator Hunter and all Senators:
Mourns the death of Judy Tucker.

SENATE RESOLUTION NO. 50

Offered by Senator Haine and all Senators:
Mourns the death of Patrick F. Vonnahman of Alton.

SENATE RESOLUTION NO. 51

Offered by Senator J. Collins and all Senators:
Mourns the death of Timothy Cornell Collins.

SENATE RESOLUTION NO. 52

Offered by Senator Haine and all Senators:
Mourns the death of Robert A. Wetzel of Edwardsville.

SENATE RESOLUTION NO. 53

Offered by Senator Link and all Senators:
Mourns the death of Diana Jean Pecaro of Libertyville and Naples, Florida.

SENATE RESOLUTION NO. 55

Offered by Senator McCann and all Senators:
Mourns the death of Lonnie R. Skirvin of Kampsville.

SENATE RESOLUTION NO. 56

Offered by Senator McCann and all Senators:
Mourns the death of Berniece M. Edwards of Springfield.

SENATE RESOLUTION NO. 57

Offered by Senator Duffy and all Senators:
Mourns the death of Patricia A. Razook of Arlington Heights.

SENATE RESOLUTION NO. 58

Offered by Senator Link and all Senators:
Mourns the death of Bernard C. Douville, formerly of Waukegan.

SENATE RESOLUTION NO. 59

Offered by Senator Link and all Senators:
Mourns the death of Peter Michaels.

SENATE RESOLUTION NO. 60

Offered by Senator Link and all Senators:
Mourns the death of Marvin Whitney.

SENATE RESOLUTION NO. 61

Offered by Senator Link and all Senators:
Mourns the death of Douglas Stacy Rostron of Waukegan.

SENATE RESOLUTION NO. 62

Offered by Senator Link and all Senators:
Mourns the death of Michael J. Leginski of Wadsworth.

SENATE RESOLUTION NO. 63

Offered by Senator Link and all Senators:
Mourns the death of William F. McGrain of Naples, Florida, formerly of Waukegan.

SENATE RESOLUTION NO. 64

Offered by Senator Dillard and all Senators:
Mourns the death of Rodney C. Pennington of Glen Ellyn.

SENATE RESOLUTION NO. 66

Offered by Senators Righter - Rose and all Senators:
Mourns the death of William "Bill" Grimes of Mattoon.

SENATE RESOLUTION NO. 67

Offered by Senator Haine and all Senators:
Mourns the death of Josephine Mary Romano of Wood River, formerly of Alton.

SENATE RESOLUTION NO. 68

Offered by Senator Link and all Senators:
Mourns the death of Samuel J. Stanczak of Gurnee.

SENATE RESOLUTION NO. 69

Offered by Senator Link and all Senators:
Mourns the death of Edwin C. Stoyanoff of Waukegan.

SENATE RESOLUTION NO. 71

Offered by Senator Link and all Senators:
Mourns the death of Marvin Whitney of Waukegan.

SENATE RESOLUTION NO. 72

Offered by Senator Link and all Senators:
Mourns the death of Robert Charles Marks of Lake forest, formerly of North Chicago.

SENATE RESOLUTION NO. 73

Offered by Senator Link and all Senators:
Mourns the death of Dorothy H. Lindeman of Vernon Hills.

SENATE RESOLUTION NO. 74

Offered by Senator Frerichs and all Senators:
Mourns the death of Lorene "Mike" Frerichs of Penfield.

SENATE RESOLUTION NO. 76

Offered by Senator J. Cullerton and all Senators:
Mourns the death of William J. Cullerton.

SENATE RESOLUTION NO. 77

Offered by Senator J. Collins and all Senators:
Mourns the death of Sylvia B. Washington.

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

MESSAGE FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 11

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Wednesday, February 06, 2013, it stands adjourned until Tuesday, February 19, 2013 at 12:00 o'clock noon, and when it adjourns on that day, it stands adjourned until Wednesday, February 20, 2013, and when it adjourns on that day it stands adjourned until Thursday, February 21, 2013, and when it adjourns on that day it stands adjourned until Tuesday, February 26, 2013, or until the call of the Speaker; and when the Senate adjourns on Thursday, February 07, 2013, it stands adjourned until Wednesday, February 13, 2013, and when it adjourns on that day it stands adjourned until Thursday, February 14, 2013, and when it adjourns on that day it stands adjourned until Friday, February 15, 2013, and when it adjourns on that day it stands adjourned until February 21, 2013, in perfunctory session, and when it adjourns on that day it stands adjourned until Wednesday, February 27, 2013, or until the call of the President.

Adopted by the House, February 5, 2013.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Link, the foregoing message reporting House Joint Resolution No. 11 was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:17 o'clock a.m., pursuant to **House Joint Resolution No. 11**, the Chair announced the Senate stand adjourned until Wednesday, February 13, 2013, at 12:00 o'clock noon, or until the call of the President.