



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-EIGHTH GENERAL ASSEMBLY**

**54TH LEGISLATIVE DAY**

**TUESDAY, MAY 21, 2013**

**12:31 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**54th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Kimberly A. Lightford, Maywood, Illinois, presiding.  
Prayer by Father Tom Meyer, Our Saviour Catholic Church, Jacksonville, Illinois.  
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, January 9, 2013, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, January 10, 2013, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, January 16, 2013, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, January 23, 2013, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, January 24, 2013, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Monday, May 20, 2013, be postponed, pending arrival of the printed Journal.

The motion prevailed.

**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

May 21, 2013

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator Julie Morrison as a member of the Senate Human Services Committee. This appointment will automatically expire upon adjournment of the Senate Human Services Committee.

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

cc: Senate Minority Leader Christine Radogno

[May 21, 2013]

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 316**

Offered by Senator McCann and all Senators:  
Mourns the death of John William Snider.

**SENATE RESOLUTION NO. 317**

Offered by Senator McCann and all Senators:  
Mourns the death of Georgia Helen Adamski of Springfield.

**SENATE RESOLUTION NO. 318**

Offered by Senator McCann and all Senators:  
Mourns the death of Donald W. Cairns of Carlinville.

**SENATE RESOLUTION NO. 319**

Offered by Senator McCann and all Senators:  
Mourns the death of Charles “Chuck” H. Cincebox of Plainview.

**SENATE RESOLUTION NO. 320**

Offered by Senator Althoff and all Senators:  
Mourns the death of Mary Ann Henley of McHenry, formerly of Marengo.

**SENATE RESOLUTION NO. 321**

Offered by Senator Althoff and all Senators:  
Mourns the death of LeRoy Ernest Wegener of Volo.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

**REPORTS FROM STANDING COMMITTEES**

Senator Forby, Chairperson of the Committee on Labor and Commerce, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 3125

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 2432

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2345

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

[May 21, 2013]

Senate Amendment No. 2 to Senate Bill 1002

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

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 948  
Senate Amendment No. 2 to House Bill 1225  
Senate Amendment No. 2 to House Bill 2832

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 629  
Senate Amendment No. 5 to Senate Bill 1454

Senate Amendment No. 2 to House Bill 1191

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator E. Jones, III, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 2482

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 49  
Senate Amendment No. 3 to House Bill 804  
Senate Amendment No. 2 to House Bill 2471

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

### MESSAGES 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2101

A bill for AN ACT concerning regulation.

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

House Amendment No. 2 to SENATE BILL NO. 2101

Passed the House, as amended, May 20, 2013.

TIMOTHY D. MAPES, Clerk of the House

[May 21, 2013]

**AMENDMENT NO. 2 TO SENATE BILL 2101**

AMENDMENT NO. 2. Amend Senate Bill 2101, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by changing Sections 9 and 19 and by adding Section 9.16 as follows:

(210 ILCS 115/9) (from Ch. 111 1/2, par. 719)

Sec. 9. Each mobile home park licensed or to be constructed under the provisions of this Act shall be operated and maintained in accordance with the requirements of Sections 9.1 to 9.16 ~~9-15~~, inclusive, of this Act.

(Source: P.A. 91-357, eff. 7-29-99.)

(210 ILCS 115/9.16 new)

Sec. 9.16. Disclosure of the manufacture of methamphetamine in a mobile home. When a licensee or owner of a mobile home park has been notified in writing by law enforcement authorities that one of the mobile homes in the mobile home park has been used for the manufacture of methamphetamine as defined in Section 10 of the Methamphetamine Control and Community Protection Act, then the licensee or owner of the mobile home park shall inform a potential buyer of the mobile home that law enforcement authorities have notified the licensee or owner in writing that the mobile home has been used for the manufacture of methamphetamine.

The obligation of disclosure shall be imposed on the licensee or owner of the mobile home park only if the licensee or owner receives a written application for residency in the mobile home park from the prospective buyer prior to the prospective buyer acquiring the home and such application specifically identifies the applicable home and that the prospective buyer may acquire the home. If the licensee or owner provides the required disclosure to the prospective buyer, then the seller of the mobile home shall not have any right to seek legal or equitable remedies against the licensee or owner on account of or in any way related to the disclosure, even if it is determined that the disclosure was not required to be made under this Section (for example, if the disclosure results in the prospective buyer not acquiring the mobile home, then the seller of the mobile home may not seek any redress or equitable remedies against the licensee or owner providing the disclosure in any way related to or resulting from the disclosure). If a licensee or owner violates this Section as determined by an impartial hearing examiner appointed by the Director of Public Health, then: (i) a prospective buyer shall not have any redress or cause of action against a licensee or owner for such failure; (ii) a violation shall not be subject to the terms of Section 19 of this Act; and (iii) the only liability a licensee or owner shall have for a violation of this Section shall be the payment of a fine in an amount determined by the examiner after the conclusion of a hearing and the examiner determining that the licensee or owner, as applicable, violated this Section, such fine not to exceed \$2,000 for each violation."

Under the rules, the foregoing **Senate Bill No. 2101**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2184

A bill for AN ACT concerning safety.

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

House Amendment No. 1 to SENATE BILL NO. 2184

Passed the House, as amended, May 20, 2013.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 2184**

AMENDMENT NO. 1. Amend Senate Bill 2184 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.826 as follows:

[May 21, 2013]

(30 ILCS 105/5.826 new)

Sec. 5.826. The Amusement Ride and Patron Safety Fund.

Section 10. The Carnival and Amusement Rides Safety Act is amended by changing Sections 2-2, 2-6, 2-8, 2-12, 2-14, and 2-15 and by adding Sections 2-8.1, 2-15.2 and 2-15.3 as follows:

(430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

Sec. 2-2. Definitions. As used in this Act, unless the context otherwise requires:

1. "Director" means the Director of Labor or his or her designee.
2. "Department" means Department of Labor.
3. "Amusement Attraction" means an enclosed building or structure, including electrical equipment which is an integral part of the building or structure, through which people walk without the aid of any moving device, that provides amusement, thrills or excitement at a fair or carnival, except any such enclosed building or structure which is subject to the jurisdiction of a local building code.
4. "Amusement ride" means:
  - (a) any mechanized device or combination of devices, including electrical equipment which is an integral part of the device or devices, which carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement;
  - (b) any ski lift, rope tow, or other device used to transport snow skiers;
  - (c) (blank);
  - (d) any dry slide over 20 feet in height, alpine slide, or toboggan slide;
  - (e) any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides; or
  - (f) any bungee cord or similar elastic device; or -
  - (g) any inflatable attraction.
5. "Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides.
6. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated.
7. "Operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or an amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions.
8. "Carnival worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public.
9. "Volunteer" means a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer.

10. "Inflatable attraction" means an amusement ride or device designed for use that may include, but not be limited to, bounce, climb, slide, or interactive play, which is made of flexible fabric, is kept inflated by continuous air flow by one or more blowers, and relies upon air pressure to maintain its shape.

(Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07; 96-151, eff. 8-7-09.)

(430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

Sec. 2-6. (a) The Director, after consultation with the consent of the Board at a meeting of the Board, shall promulgate and formulate definitions, rules and regulations for the safe installation, repair, maintenance, use, operation, training standards for operators, and inspection of all amusement rides and amusement attractions as the Director finds necessary for the protection of the general public using amusement rides and amusement attractions. These rules and standards shall be adopted pursuant to the procedures set forth in the Illinois Administrative Procedure Act. The rules shall be based upon generally accepted engineering standards and shall be concerned with, but not necessarily limited to, engineering force stresses, safety devices, and preventive maintenance. Whenever such standards are available in suitable form they may be incorporated by reference. The rules shall provide for the reporting of accidents and injuries incurred from the operation of amusement rides or amusement attractions. In addition to the permit fee herein provided, the Director may promulgate rules to establish a schedule of



fees for inspections.

(b) After consultation with the Board, the Director is authorized to adopt by reference, in whole or in part, any code, standard, or bulletin issued by a nationally or internationally recognized organization, such as the Consumer Product Safety Commission or ASTM International, after a finding that the adoption of the code, standard, or bulletin would promote the purposes of this Act.

~~Before adopting, modifying or amending any rule consistent with and necessary for the enforcement of this Act, the Director shall hold a public hearing on the proposed rule, modification or amendment to a rule. Any interested person may appear and be heard at the hearing, in person or by agent or counsel. The Director shall give the news media notice of each hearing at least 30 days in advance of the hearing date and shall make available a copy of the proposed rule, or modification or amendment to a rule to any person requesting same. The provisions of this Section are in addition to all other existing requirements pertaining to the promulgation of administrative rules and regulations.~~

~~(Source: P.A. 94-801, eff. 5-25-06; 95-397, eff. 8-24-07.)~~

~~(430 ILCS 85/2-8) (from Ch. 111 1/2, par. 4058)~~

~~Sec. 2-8. The Director, after consultation with and the consent of the Board, shall determine a schedule of permit fees for each amusement ride or amusement attraction.~~

~~(Source: P.A. 94-801, eff. 5-25-06.)~~

~~(430 ILCS 85/2-8.1 new)~~

~~Sec. 2-8.1. Suspension and revocation of permit to operate.~~

(a) The Department shall have the power to suspend or revoke an owner's permit for any good cause under the meaning and purpose of this Act. If a person whose permit has been suspended or revoked, or whose application for a permit has been denied, believes that the violation or condition justifying suspension, revocation, or denial of the permit does not exist, the person may apply to the Department for reconsideration through a hearing within 10 working days after the Department's action. A hearing shall be scheduled, unless otherwise mutually agreed by the parties, within 48 hours after the request for hearing.

(b) Service of notice of a hearing shall be made by personal service or certified mail to the address shown on the application for permit, or to any other address on file with the Department and reasonably believed to be the current address of the permit holder.

(c) The written notice of a hearing shall specify the time, date, and location of the hearing and the reasons for the action proposed by the Department.

(d) At the hearing, the Department shall have the burden of establishing good cause for its action. Good cause exists if the Department establishes that the permit holder has failed to comply with the requirements of a permit under this Act and its rules.

(e) All hearings held under this Section shall comply with Article 10 of the Administrative Procedure Act and the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, interrogatories, requests to admit, and depositions shall not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued.

(f) The final determination by the Department of Labor shall be rendered within 5 working days after the conclusion of the hearing.

(g) Final determinations made under this Section are subject to the Administrative Review Law.

~~(430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)~~

~~Sec. 2-12. Order for cessation of operation of amusement ride or attraction.~~

~~(a) The Director or an inspector hired by the Department of Labor may order, in writing, a temporary and immediate cessation of operation of any amusement ride or amusement attraction if it:~~

~~(1) has been determined after inspection to be hazardous or unsafe;~~

~~(2) is in operation before the Director has issued a permit to operate such equipment;~~

~~or~~

~~(3) the owner or operator is not in compliance with the insurance requirements contained in Section 2-14 of this Act and any rules or regulations adopted hereunder.~~

~~(b) Operation of the amusement ride or amusement attraction shall not resume until:~~

~~(1) the unsafe or hazardous condition is corrected to the satisfaction of the Director or such inspector;~~

~~(2) the Director has issued a permit to operate such equipment; or~~

~~(3) the owner or operator is in compliance with the insurance requirements contained in Section 2-14 of this Act and any rules or regulations adopted hereunder, respectively.~~

(c) The Department shall notify the owner or operator in writing of the grounds for the cessation of operation of the amusement ride or attraction and of the conditions in need of correction at the time the

order for cessation is issued.

(d) The owner or operator may appeal an order of cessation by filing a request for a hearing. The Department shall afford the owner or operator 10 working days after the date of the notice to request a hearing. Upon written request for hearing, the Department shall schedule a formal administrative hearing in compliance with Article 10 of the Administrative Procedure Act and pursuant to the provisions of the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, interrogatories, requests to admit, and depositions will not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued.

(e) The final determination by the Department of Labor shall be rendered within 5 working days after the conclusion of the hearing.

(f) The provisions of the Administrative Review Law shall apply to and govern all proceedings for the judicial review of a final determination under this Section.

(Source: P.A. 94-801, eff. 5-25-06.)

(430 ILCS 85/2-14) (from Ch. 111 1/2, par. 4064)

Sec. 2-14. No (1) Except as provided in subsection (2) of this Section no person shall operate an amusement ride or attraction unless there is in force:-(a) a liability insurance policy or policies in an aggregate amount of not less than \$1,000,000 \$100,000 for bodily injury to or death of one or more persons, damage to or destruction of property of others, or a combination thereof person in any one accident, and, subject to the per occurrence limit for one person, in an aggregate amount of not less than \$2,000,000 \$1,000,000 for bodily injury to or death of two or more persons , or damage to or destruction of property of others, in any one policy period, accident, and in an amount of not less than \$50,000 for injury to or destruction of property of others in any one accident; insuring the operator against liability for injury , or death , or property damage suffered by a person attending a fair or carnival; or (b) a bond in like amount, the aggregate liability of the surety of which shall not exceed the face amount thereof; or (c) a deposit with the Illinois Department of Labor of cash or other security acceptable to the Director.

(2) With respect to the operation of an amusement ride or attraction under this Act for a carnival located at a permanent site which has 5 or fewer amusement rides, none of which operates at a height exceeding 8 feet, the insurance policy, bond, or cash or security deposit amount required for bodily injury to or death of 2 or more persons in any one accident shall be not less than \$500,000.

(Source: P.A. 94-801, eff. 5-25-06.)

(430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

Sec. 2-15. Penalties.

(a) Criminal penalties.

1. Any person who operates an amusement ride or amusement attraction at a carnival or fair without having obtained a permit from the Department Director or who violates any order or rule issued by the Department Director under this Act is guilty of a Class A misdemeanor. Each day shall constitute a separate and distinct offense.

2. Any person who interferes with, impedes, or obstructs in any manner the Director or any authorized representative of the Department in the performance of their duties under this Act is guilty of a Class A misdemeanor.

(b) Civil penalties. Unless otherwise provided in this Act, any person who operates an amusement ride or amusement attraction without having obtained a permit from the Department in violation of this Act is subject to a civil penalty not to exceed \$2,500 per violation for a first violation and not to exceed \$5,000 for a second or subsequent violation.

Prior to any determination, or the imposition of any civil penalty, under this subsection (b), the Department shall notify the operator in writing of the alleged violation. The Department shall afford the operator 10 working ~~45 days~~ after from the date of the notice to request a hearing ~~present any written information that the operator wishes the Department to consider in connection with its determination in the matter.~~ Upon written request of the operator, the Department shall schedule a formal administrative hearing in compliance with Article 10 of the Administrative Procedure Act and the Department's rules of procedure in administrative hearings, except that formal discovery, such as production requests, interrogatories, requests to admit, and depositions shall not be allowed. The parties shall exchange documents and witness lists prior to hearing and may request third party subpoenas to be issued. The final determination by the Department of Labor shall be rendered within 5 working days after the conclusion of the hearing. Final determinations made under this Section are subject to the provisions of the Administrative Review Law ~~convene an informal fact-finding conference, provided such request is received by the Department within 15 days of the date of the notice of the alleged violation.~~ In determining the amount of a penalty, the Director may consider the appropriateness of the penalty to the

[May 21, 2013]

person or entity charged, upon determination of the gravity of the violation. The penalties, when finally determined, Penalties may be recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.  
(Source: P.A. 96-151, eff. 8-7-09.)

(430 ILCS 85/2-15.2 new)

Sec. 2-15.2. Injunction to compel compliance.

(a) The Department shall have the power to bring injunctive proceedings in any court of competent jurisdiction to compel compliance with any order made by the Department under this Act.

(b) The Department shall also have the power to bring temporary and immediate injunctive relief in any court of competent jurisdiction when necessary for the protection of the health and safety of the general public using amusement rides and amusement attractions.

(430 ILCS 85/2-15.3 new)

Sec. 2-15.3. Amusement Ride and Patron Safety Fund. All moneys received by the Department as fees and penalties under this Act shall be deposited into the Amusement Ride and Patron Safety Fund and shall be used by the Department, subject to appropriation by the General Assembly, in addition to any General Revenue Funds, for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act. The Department shall hire as many inspectors and other personnel as may be necessary to carry out the purposes of this Act. Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available to the Department for the next fiscal year for any of the Department's duties and may be transferred from the Amusement Ride and Patron Safety Fund to the various accounts available to the Department, as needed.

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

Under the rules, the foregoing **Senate Bill No. 2184**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1953

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1988

A bill for AN ACT concerning government.

SENATE BILL NO. 2157

A bill for AN ACT concerning education.

SENATE BILL NO. 2163

A bill for AN ACT concerning government.

SENATE BILL NO. 2169

A bill for AN ACT concerning revenue.

Passed the House, May 20, 2013.

TIMOTHY D. MAPES, Clerk of 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2178

A bill for AN ACT concerning education.

SENATE BILL NO. 2182

A bill for AN ACT concerning local government.

SENATE BILL NO. 2183

A bill for AN ACT concerning transportation procurement.

SENATE BILL NO. 2186

A bill for AN ACT concerning business transactions.

Passed the House, May 20, 2013.

[May 21, 2013]

**APPOINTMENT MESSAGES****Appointment Message No. 0223**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Comprehensive Health Insurance Board

Start Date: May 13, 2013

End Date: July 1, 2015

Name: David K. Hill

Residence: 1110 Church St., #1E, Evanston, IL 60201

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0224**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

Name: Julie A. Morrison

Residence: 1530 Woodvale Ave., Deerfield, IL 60015

Annual Compensation: Not Applicable

[May 21, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator Julie A. Morrison

Most Recent Holder of Office: Charlotte Mushow

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0225**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

Name: Erin McNamee

Residence: 112 Cloverdale Ln., Schaumburg, IL 60193

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Dan Kotowski

Most Recent Holder of Office: Rick Velasquez

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0226**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

Name: Naomi Jakobsson

Residence: 803 W. Main St., Urbana, IL 61801

[May 21, 2013]

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Michael W. Frerichs

Most Recent Holder of Office: Susan L. Kelsey

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0227**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

Name: Mattie Hunter

Residence: 5604 S. Prairie Ave., Apt. 3, Chicago, IL 60637

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Mattie Hunter

Most Recent Holder of Office: Linda Goforth

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0228**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

[May 21, 2013]

Name: Timothy Egan

Residence: 855 N. LaSalle St., Unit 1, Chicago, IL 60610

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Mattie Hunter

Most Recent Holder of Office: Judy H. Fried

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0229**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 13, 2013

End Date: January 16, 2017

Name: Jay Paul Deratany

Residence: 429 West Roslyn Place, Chicago, IL 60614

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Barbara Cempura

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0230**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Executive Inspector General

Agency or Other Body: Office of the Executive Inspector General for the Governor

Start Date: July 1, 2013

[May 21, 2013]

End Date: June 30, 2018

Name: Ricardo Meza

Residence: 2111 N. Verde Drive, Arlington Heights, IL 60004

Annual Compensation: \$150,168

Per diem: Not Applicable

Nominee's Senator: Senator Matt Murphy

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Assignments.

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

At the hour of 12:48 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 1:52 o'clock p.m., the Senate resumed consideration of business.  
Senator Lightford, presiding.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Koehler, **House Bill No. 125** 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Bertino-Tarrant	Frerichs	Link	Rezin
Biss	Haine	Luechtefeld	Righter
Bivins	Harmon	Manar	Rose
Brady	Harris	Martinez	Sandoval
Bush	Hastings	McCann	Silverstein
Clayborne	Holmes	McCarter	Stadelman
Collins	Hunter	McConnaughay	Sullivan
Connelly	Jacobs	McGuire	Syverson
Cullerton, T.	Jones, E.	Mulroe	Van Pelt
Cunningham	Koehler	Muñoz	Mr. President
Delgado	Kotowski	Murphy	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

[May 21, 2013]



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.

On motion of Senator Hutchinson, **House Bill No. 131** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	LaHood	Radogno
Barickman	Forby	Lightford	Raoul
Bertino-Tarrant	Frerichs	Link	Rezin
Biss	Haine	Manar	Rose
Bivins	Harmon	Martinez	Sandoval
Brady	Harris	McCann	Silverstein
Bush	Hastings	McCarter	Stadelman
Clayborne	Holmes	McConnaughay	Sullivan
Collins	Hunter	McGuire	Syverson
Connelly	Hutchinson	Mulroe	Trotter
Cullerton, T.	Jacobs	Muñoz	Van Pelt
Cunningham	Jones, E.	Murphy	Mr. President
Delgado	Koehler	Noland	
Dillard	Kotowski	Oberweis	

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.

On motion of Senator Sullivan, **House Bill No. 3** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	LaHood	Oberweis
Barickman	Forby	Landek	Radogno
Bertino-Tarrant	Frerichs	Lightford	Raoul
Biss	Haine	Link	Rezin
Bivins	Harmon	Manar	Rose
Brady	Harris	Martinez	Sandoval
Bush	Hastings	McCann	Silverstein
Clayborne	Holmes	McCarter	Stadelman
Collins	Hunter	McConnaughay	Sullivan
Connelly	Hutchinson	McGuire	Syverson
Cullerton, T.	Jacobs	Mulroe	Trotter
Cunningham	Jones, E.	Muñoz	Van Pelt
Delgado	Koehler	Murphy	Mr. President
Dillard	Kotowski	Noland	

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.

On motion of Senator Holmes, **House Bill No. 189** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Raoul
Bertino-Tarrant	Haine	Link	Rezin
Biss	Harmon	Manar	Righter
Bivins	Harris	Martinez	Rose
Brady	Hastings	McCann	Sandoval
Clayborne	Holmes	McCarter	Silverstein
Collins	Hunter	McConnaughay	Stadelman
Connelly	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jacobs	Mulroe	Syverson
Cunningham	Jones, E.	Muñoz	Trotter
Delgado	Koehler	Murphy	Van Pelt
Dillard	Kotowski	Noland	Mr. President
Duffy	LaHood	Oberweis	
Forby	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Althoff, **House Bill No. 198** 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 54; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	LaHood	Oberweis
Barickman	Forby	Landek	Raoul
Bertino-Tarrant	Frerichs	Lightford	Rezin
Biss	Haine	Link	Righter
Bivins	Harmon	Manar	Rose
Brady	Harris	Martinez	Sandoval
Bush	Hastings	McCann	Silverstein
Clayborne	Holmes	McCarter	Stadelman
Collins	Hunter	McConnaughay	Sullivan
Connelly	Hutchinson	McGuire	Trotter
Cullerton, T.	Jacobs	Mulroe	Van Pelt
Cunningham	Jones, E.	Muñoz	Mr. President
Delgado	Koehler	Murphy	
Dillard	Kotowski	Noland	

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.

On motion of Senator Bertino-Tarrant, **House Bill No. 494** 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 46; NAYS 7; Present 2.

The following voted in the affirmative:

Althoff	Forby	Landek	Raoul
Bertino-Tarrant	Frerichs	Link	Rezin
Biss	Haine	Manar	Rose
Bivins	Harmon	Martinez	Sandoval
Bush	Hastings	McConaughay	Silverstein
Clayborne	Holmes	McGuire	Stadelman
Collins	Hunter	Mulroe	Sullivan
Connelly	Hutchinson	Muñoz	Syverson
Cullerton, T.	Jacobs	Murphy	Trotter
Cunningham	Jones, E.	Noland	Mr. President
Delgado	Koehler	Oberweis	
Dillard	Kotowski	Radogno	

The following voted in the negative:

Barickman	Duffy	McCann	Righter
Brady	LaHood	McCarter	

The following voted present:

Harris  
Lightford

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.

On motion of Senator Hutchinson, **House Bill No. 513** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Landek	Oberweis
Barickman	Frerichs	Lightford	Radogno
Bertino-Tarrant	Haine	Link	Raoul
Bivins	Harmon	Luechtefeld	Rezin
Brady	Harris	Manar	Righter
Bush	Hastings	Martinez	Rose
Clayborne	Holmes	McCann	Sandoval
Collins	Hunter	McCarter	Silverstein

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Connelly	Hutchinson	McConnaughay	Stadelman
Cullerton, T.	Jacobs	McGuire	Sullivan
Cunningham	Jones, E.	Mulroe	Syverson
Delgado	Koehler	Muñoz	Trotter
Dillard	Kotowski	Murphy	Mr. President
Duffy	LaHood	Noland	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Martinez, **House Bill No. 532** 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 54; NAYS None.

The following voted in the affirmative:

Barickman	Forby	Landek	Radogno
Bertino-Tarrant	Frerichs	Lightford	Raoul
Biss	Haine	Link	Rezin
Bivins	Harmon	Luechtefeld	Righter
Brady	Harris	Martinez	Rose
Bush	Hastings	McCann	Sandoval
Clayborne	Holmes	McCarter	Silverstein
Collins	Hunter	McConnaughay	Stadelman
Connelly	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jacobs	Mulroe	Syverson
Cunningham	Jones, E.	Muñoz	Trotter
Delgado	Koehler	Murphy	Mr. President
Dillard	Kotowski	Noland	
Duffy	LaHood	Oberweis	

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.

On motion of Senator Martinez, **House Bill No. 533** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	LaHood	Oberweis
Barickman	Forby	Landek	Radogno
Bertino-Tarrant	Frerichs	Lightford	Raoul
Biss	Haine	Link	Rezin
Bivins	Harmon	Luechtefeld	Righter
Brady	Harris	Manar	Rose
Bush	Hastings	Martinez	Sandoval
Clayborne	Holmes	McCann	Silverstein

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Collins	Hunter	McCarter	Stadelman
Connelly	Hutchinson	McGuire	Sullivan
Cullerton, T.	Jacobs	Mulroe	Syverson
Cunningham	Jones, E.	Muñoz	Trotter
Delgado	Koehler	Murphy	Mr. President
Dillard	Kotowski	Noland	

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.

On motion of Senator Raoul, **House Bill No. 595** 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 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Rezin
Barickman	Frerichs	Link	Righter
Bertino-Tarrant	Haine	Luechtefeld	Rose
Biss	Harmon	Manar	Sandoval
Bivins	Harris	Martinez	Silverstein
Brady	Hastings	McConnaughay	Stadelman
Bush	Holmes	McGuire	Sullivan
Clayborne	Hunter	Mulroe	Syverson
Collins	Hutchinson	Muñoz	Trotter
Cullerton, T.	Jacobs	Murphy	Van Pelt
Cunningham	Jones, E.	Noland	Mr. President
Delgado	Koehler	Oberweis	
Dillard	Kotowski	Radogno	
Duffy	Landek	Raoul	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Link, **House Bill No. 702** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan

Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hutchinson, **House Bill No. 733** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Clayborne, **House Bill No. 743** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval

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Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

### HOUSE BILL RECALLED

On motion of Senator Silverstein, **House Bill No. 772** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 772

AMENDMENT NO. 2. Amend House Bill 772 as follows:

on page 8, line 5, after "awareness." by inserting "The curriculum shall not require the operation of a motor vehicle.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Silverstein, **House Bill No. 772** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS 3.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Sandoval
Biss	Harmon	Manar	Silverstein
Bivins	Harris	Martinez	Stadelman
Brady	Hastings	McCann	Sullivan
Bush	Holmes	McConnaughay	Syverson
Clayborne	Hunter	McGuire	Trotter
Collins	Hutchinson	Mulroe	Van Pelt
Connelly	Jacobs	Muñoz	Mr. President
Cullerton, T.	Koehler	Murphy	
Cunningham	Kotowski	Noland	
Delgado	LaHood	Oberweis	
Dillard	Landek	Radogno	

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The following voted in the negative:

Duffy  
Righter  
Rose

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Sullivan, **House Bill No. 806** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

#### HOUSE BILL RECALLED

On motion of Senator Kotowski, **House Bill No. 827** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 827

AMENDMENT NO. 1. Amend House Bill 827 on page 4, line 7, by inserting "members", after "household".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

[May 21, 2013]



On motion of Senator Kotowski, **House Bill No. 827** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Clayborne, **House Bill No. 830** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Martinez, **House Bill No. 984** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Righter, **House Bill No. 989** 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 53; NAY 1.

The following voted in the affirmative:

Barickman	Forby	Lightford	Rezin
Bertino-Tarrant	Frerichs	Link	Righter
Biss	Haine	Manar	Rose
Bivins	Harmon	Martinez	Sandoval
Brady	Harris	McCann	Silverstein
Bush	Hastings	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Raoul	

The following voted in the negative:

Holmes

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.

Senator Holmes asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 989**.

On motion of Senator Haine, **House Bill No. 996** 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 40; NAYS 12.

The following voted in the affirmative:

Althoff	Hastings	Manar	Silverstein
Barickman	Holmes	Martinez	Stadelman
Bertino-Tarrant	Hunter	McConaughay	Sullivan
Bush	Hutchinson	McGuire	Syverson
Cullerton, T.	Jacobs	Mulroe	Trotter
Cunningham	Jones, E.	Muñoz	Van Pelt
Delgado	Koehler	Noland	Mr. President
Forby	Kotowski	Oberweis	
Frerichs	Landek	Raoul	
Haine	Lightford	Rose	
Harmon	Link	Sandoval	

The following voted in the negative:

Biss	Duffy	McCarter
Bivins	LaHood	Murphy
Connelly	Luechtefeld	Radogno
Dillard	McCann	Righter

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

At the hour of 2:47 o'clock p.m., Honorable John J. Cullerton, President of the Senate, presiding, for the purpose of an introduction.

At the hour of 2:51 o'clock p.m., Senator Lightford, presiding, and the Senate resumed consideration of business.

### MOTION IN WRITING

Senator J. Cullerton submitted the following Motion in Writing:

I move that Senate Bill 9 do pass, notwithstanding the veto of the Governor.

05-21-13

s/John Cullerton

[May 21, 2013]

DATE

SENATOR

The foregoing Motion in Writing was filed with the Secretary and ordered placed on the Senate Calendar.

### MESSAGES 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2199

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 2199

Passed the House, as amended, May 21, 2013.

TIMOTHY D. MAPES, Clerk of the House

### AMENDMENT NO. 1 TO SENATE BILL 2199

AMENDMENT NO. 1. Amend Senate Bill 2199 as follows:

on page 1, lines 4 and 5, by replacing "Section 21B-30" with "Sections 21B-30 and 21B-35"; and

on page 4, immediately below line 15, by inserting the following:

"(105 ILCS 5/21B-35)

Sec. 21B-35. Minimum requirements for educators trained in other states or countries.

(a) All out-of-state applicants applying for a Professional Educator License must meet all of the following requirements:

- (1) Have completed a comparable state-approved education program, as defined by the State Superintendent of Education.
- (2) Have a degree from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought.
- (3) Except for school service personnel prepared by out-of-state programs, have ~~Have~~ completed a minimum of one course in the methods of instruction of the exceptional child. School service personnel prepared by out-of-state programs shall meet the same requirements concerning courses in the methods of instruction of the exceptional child as in-State candidates in school service personnel areas, as defined by rules.
- (4) Except for school service personnel prepared by out-of-state programs, have ~~Have~~ completed a minimum of 6 semester hours of coursework in methods of reading and reading in the content area. School service personnel prepared by out-of-state programs shall meet the same requirements concerning coursework in methods of reading and reading in the content area as in-State candidates in school service personnel areas, as defined by rules.
- (5) Except for school service personnel prepared by out-of-state programs, have ~~Have~~ completed a minimum of one course in instructional strategies for English language learners. School service personnel prepared by out-of-state programs shall meet the same requirements concerning courses in instructional strategies for English language learners as in-State candidates in school service personnel areas, as defined by rules.
- (6) Have successfully met all Illinois examination requirements.
- (7) Have completed student teaching or an equivalent experience.

If one or more of the criteria in subsection (a) of this Section are not met, then out-of-state applicants who hold a valid, comparable certificate from another state and have passed a test of basic skills and content area test, as required by Section 21B-20 of this Code, may qualify for a provisional educator endorsement on an Educator License with Stipulations, in accordance with Section 21B-20 of this Code, with the exception that an individual shall not serve as a principal or assistant principal while holding the provisional educator endorsement.

(b) In order to receive a Professional Educator License, applicants trained in another country must

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meet all of the following requirements:

- (1) Have completed a comparable education program in another country.
- (2) Have had transcripts evaluated by an evaluation service approved by the State Superintendent of Education.
- (3) Hold a degreed major that must directly correspond to the license or endorsement sought.
- (4) Have completed a minimum of one course in the methods of instruction of the exceptional child.
- (5) Have completed a minimum of 6 semester hours of coursework in methods of reading and reading in the content area.
- (6) Have completed a minimum of one course in instructional strategies for English language learners.
- (7) Have successfully met all State licensure examination requirements.
- (8) Have completed student teaching or an equivalent experience.

If one or more of these criteria are not met, then an applicant trained in another country who has passed a test of basic skills and content area test, as required by Section 21B-20 of this Code, may qualify for a provisional educator endorsement on an Educator License with Stipulations, with the exception that an individual shall not serve as a principal or assistant principal while holding the provisional educator endorsement.

(c) The State Board of Education, in consultation with the State Educator Preparation and Licensure Board, may adopt such rules as may be necessary to implement this Section.

(Source: P.A. 97-607, eff. 8-26-11.)"

Under the rules, the foregoing **Senate Bill No. 2199**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2233

A bill for AN ACT concerning local government.

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

House Amendment No. 1 to SENATE BILL NO. 2233

Passed the House, as amended, May 21, 2013.

TIMOTHY D. MAPES, Clerk of the House

#### **AMENDMENT NO. 1 TO SENATE BILL 2233**

AMENDMENT NO. 1. Amend Senate Bill 2233 by replacing everything after the enacting clause with the following:

"Section 5. The Public Building Commission Act is amended by changing Sections 2.5, 3, 20, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 as follows:

(50 ILCS 20/2.5)

(Section scheduled to be repealed on June 1, 2013)

Sec. 2.5. Legislative policy; conditions for use of design-build. It is the intent of the General Assembly that a commission be allowed to use the design-build delivery method for public projects if it is shown to be in the commission's best interest for that particular project.

It shall be the policy of the commission in the procurement of design-build services to publicly announce all requirements for design-build services and to procure these services on the basis of demonstrated competence and qualifications and with due regard for the principles of competitive selection.

The commission shall, prior to issuing requests for proposals, promulgate and publish procedures for the solicitation and award of contracts pursuant to this Act.

The commission shall, for each public project or projects permitted under this Act, make a written determination, including a description as to the particular advantages of the design-build procurement method, that it is in the best interests of the commission to enter into a design-build contract for the

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project or projects.

In making that determination, the following factors shall be considered:

- (1) The probability that the design-build procurement method will be in the best interests of the commission by providing a material savings of time or cost over the design-bid-build or other delivery system.
- (2) The type and size of the project and its suitability to the design-build procurement method.
- (3) The ability of the design-build entity to define and provide comprehensive scope and performance criteria for the project.

The commission shall require the design-build entity to comply with the utilization goals established by the corporate authorities of the commission for minority and women business enterprises and to comply with Section 2-105 of the Illinois Human Rights Act.

This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/3) (from Ch. 85, par. 1033)

Sec. 3. The following terms, wherever used, or referred to in this Act, mean unless the context clearly requires a different meaning:

- (a) "Commission" means a Public Building Commission created pursuant to this Act.
- (b) "Commissioner" or "Commissioners" means a Commissioner or Commissioners of a Public Building Commission.
- (c) "County seat" means a city, village or town which is the county seat of a county.
- (d) "Municipality" means any city, village or incorporated town of the State of Illinois.
- (e) "Municipal corporation" includes a county, city, village, town, (including a county seat), park district, school district in a county of 3,000,000 or more population, board of education of a school district in a county of 3,000,000 or more population, sanitary district, airport authority contiguous with the County Seat as of July 1, 1969 and any other municipal body or governmental agency of the State, and until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, but does not include a school district in a county of less than 3,000,000 population, a board of education of a school district in a county of less than 3,000,000 population, or a community college district in a county of less than 3,000,000 population, except that until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, are included.
- (f) "Governing body" includes a city council, county board, or any other body or board, by whatever name it may be known, charged with the governing of a municipal corporation.
- (g) "Presiding officer" includes the mayor or president of a city, village or town, the presiding officer of a county board, or the presiding officer of any other board or commission, as the case may be.
- (h) "Oath" means oath or affirmation.
- (i) "Building" means an improvement to real estate to be made available for use by a municipal corporation for the furnishing of governmental services to its citizens, together with any land or interest in land necessary or useful in connection with the improvement.
- (j) "Delivery system" means the design and construction approach used to develop and construct a project.
- (k) "Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act (50 ILCS 510/) and the principles of competitive selection.
- (l) "Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.
- (m) "Design-build contract" means a contract for a public project under this Act between the Commission and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the Commission to make modifications in the project scope without invalidating the design-build contract.

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(n) "Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.

(o) "Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 (225 ILCS 305/), the Professional Engineering Practice Act of 1989 (225 ILCS 325/), the Structural Engineering Licensing Act of 1989 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/).

(p) "Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

(q) "Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

(r) "Request for proposal" means the document used by the Commission to solicit proposals for a design-build contract.

(s) "Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

(t) "Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount.

Definitions in this Section with respect to design-build shall have no effect beginning on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.  
(Source: P.A. 94-1071, eff. 1-1-07; 95-595, eff. 6-1-08.)

(50 ILCS 20/20) (from Ch. 85, par. 1050)

Sec. 20. Contracts let to lowest responsible bidder; competitive bidding; advertisement for bids; design-build contracts.

(a) All contracts to be let for the construction, alteration, improvement, repair, enlargement, demolition or removal of any buildings or other facilities, or for materials or supplies to be furnished, where the amount thereof is in excess of \$20,000, shall be awarded as a design-build contract in accordance with Sections 20.3 through 20.20 or shall be let to the lowest responsible bidder, or bidders, on open competitive bidding.

(b) A contract awarded on the basis of competitive bidding shall be awarded after public advertisement published at least once in each week for three consecutive weeks prior to the opening of bids, in a daily newspaper of general circulation in the county where the commission is located, except in the case of an emergency situation, as determined by the chief executive officer. If a contract is awarded in an emergency situation, (i) the contract accepted must be based on the lowest responsible proposal after the commission has made a diligent effort to solicit multiple proposals by telephone, facsimile, or other efficient means and (ii) the chief executive officer must submit a report at the next regular meeting of the Board, to be ratified by the Board and entered into the official record, that states the chief executive officer's reason for declaring an emergency situation, the names of all parties solicited for proposals, and their proposals and that includes a copy of the contract awarded. Nothing contained in this Section shall be construed to prohibit the Board of Commissioners from placing additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Public Building Commission at the time of the publication of the first announcement. Such advertisement shall also state the date, time, and place assigned for the opening of bids. No bids shall be received at any time subsequent to the time indicated in said advertisement.

(c) In addition to the requirements of Section 20.3, the Commission shall advertise a design-build solicitation at least once in a daily newspaper of general circulation in the county where the Commission is located. The date that Phase I submissions by design-build entities are due must be at least 14 calendar

days after the date the newspaper advertisement for design-build proposals is first published. The advertisement shall identify the design-build project, the due date, the place and time for Phase I submissions, and the place where proposers can obtain a complete copy of the request for design-build proposals, including the criteria for evaluation and the scope and performance criteria. The Commission is not precluded from using other media or from placing advertisements in addition to the one required under this subsection.

(d) The Board of Commissioners may reject any and all bids and proposals received and may readvertise for bids or issue a new request for design-build proposals.

(e) All bids shall be open to public inspection in the office of the Public Building Commission after an award or final selection has been made. The successful bidder for such work shall enter into contracts furnished and prescribed by the Board of Commissioners and in addition to any other bonds required under this Act the successful bidder shall execute and give bond, payable to and to be approved by the Commission, with a corporate surety authorized to do business under the laws of the State of Illinois, in an amount to be determined by the Board of Commissioners, conditioned upon the payment of all labor furnished and materials supplied in the prosecution of the contracted work. If the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five (5) days after written notice that the same has been awarded to him, or if he accepts but does not execute the contract and give the proper security, the Commission may accept the next lowest bidder, or readvertise and relet in manner above provided.

(f) In case any work shall be abandoned by any contractor or design-build entity, the Commission may, if the best interests of the Commission be thereby served, adopt on behalf of the Commission all subcontracts made by such contractor or design-build entity for such work and all such sub-contractors shall be bound by such adoption if made; and the Commission shall, in the manner provided in this Act, readvertise and relet, or request proposals and award design-build contracts for, the work specified in the original contract exclusive of so much thereof as shall be accepted. Every contract when made and entered into, as provided in this Section or Section 20.20, shall be executed, held by the Commission, and filed in its records, and one copy of which shall be given to the contractor or design-build entity.

(g) The provisions of this Section with respect to design-build shall have no effect beginning on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after June 1, 2008 (the effective date of Public Act 95-595).

(Source: P.A. 95-595, eff. 6-1-08; 95-614, eff. 9-11-07; 95-876, eff. 8-21-08.)

(50 ILCS 20/20.3)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.3. Solicitation of design-build proposals.

(a) When the Commission elects to use the design-build delivery method, it must issue a notice of intent to receive proposals for the project at least 14 days before issuing the request for the proposal. The Commission must publish the advance notice in a daily newspaper of general circulation in the county where the Commission is located. The Commission is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The Commission must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the Commission.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The Commission shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the Commission.

(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan to comply with the utilization goals established by the corporate authorities of the Commission for minority and women business enterprises and to comply with Section 2-105 of the Illinois Human Rights Act.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation.



(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The Commission may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed \$12,000,000, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The Commission shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

(e) This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.4)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.4. Development of design-build scope and performance criteria.

(a) The Commission shall develop, with the assistance of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the Commission's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the Commission to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the Commission, or the Commission may contract with an independent design professional selected under the Local Government Professional Services Selection Act (50 ILCS 510/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

(e) This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.5)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.5. Procedures for design-build selection.

(a) The Commission must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The Commission shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the Commission has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase I evaluation of design-build entities: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; (7) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (8) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for minority and women business enterprises established by the corporate authorities of the Commission and in complying with Section 2-105 of the Illinois Human Rights Act. The Commission may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review. The Commission may include any additional relevant

criteria in Phase I that it deems necessary for a proper qualification review.

The Commission may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long-term leasehold, mutual performance, or development contracts with the Commission, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No design-build proposal shall be considered that does not include an entity's plan to comply with the requirements established in the minority and women business enterprises and economically disadvantaged firms established by the corporate authorities of the Commission and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the Commission shall create a shortlist of the most highly qualified design-build entities. The Commission, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The Commission shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The Commission must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the Commission.

(c) The Commission shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase II technical evaluation of design-build entities: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and performance criteria; and (7) constructability of the proposed project. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The Commission shall include the following criteria in every Phase II cost evaluation: the guaranteed maximum project cost and the time of completion. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection. The guaranteed maximum project cost criteria weighing factor shall not exceed 30%.

The Commission shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submissions evaluation, the Commission may award the design-build contract to the highest overall ranked entity.

(d) This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.10)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.10. Small design-build projects. In any case where the total overall cost of the project is estimated to be less than \$12,000,000, the Commission may combine the two-phase procedure for design-build selection described in Section 20.5 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 20.5.

This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.15)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.15. Submission of design-build proposals. Design-build proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth

[May 21, 2013]

in the request for proposals. All design-build entities submitting proposals shall be disclosed after the deadline for submission, and all design-build entities who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Phase II design-build proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities to which any work identified in Section 30-30 of the Illinois Procurement Code as a subdivision of construction work may be subcontracted during the performance of the contract.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The Commission shall have the right to reject any and all proposals.

The drawings and specifications of any unsuccessful design-build proposal shall remain the property of the design-build entity.

The Commission shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to the due date and time for submissions for any cause. After evaluation begins by the Commission, clear and convincing evidence of error is required for withdrawal.

This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.20)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.20. Design-build award. The Commission may award a design-build contract to the highest overall ranked entity. Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing. The Commission may not request a best and final offer after the receipt of proposals. The Commission may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished.

This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

(50 ILCS 20/20.25)

(Section scheduled to be repealed on June 1, 2013)

Sec. 20.25. Minority and female owned enterprises; total construction budget.

(a) Each year, within 60 days following the end of a commission's fiscal year, the commission shall provide a report to the General Assembly addressing the utilization of minority and female owned business enterprises on design-build projects.

(b) The payments for design-build projects by any commission in one fiscal year shall not exceed 50% 25% of the moneys spent on construction projects during the same fiscal year.

(c) This Section is repealed on June 1, 2018; provided that any design-build contracts entered into before such date or any procurement of a project under this Act commenced before such date, and the contracts resulting from those procurements, shall remain effective 5 years after the effective date of this amendatory Act of the 95th General Assembly.

(Source: P.A. 95-595, eff. 6-1-08.)

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

Under the rules, the foregoing **Senate Bill No. 2233**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2270

A bill for AN ACT concerning criminal law.

[May 21, 2013]

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

House Amendment No. 1 to SENATE BILL NO. 2270  
Passed the House, as amended, May 21, 2013.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 2270**

AMENDMENT NO. 1. Amend Senate Bill 2270 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 2012 is amended by changing Section 36-1 as follows:  
(720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code, subdivision (a)(1), (a)(2), (a)(4), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a), (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof, Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof and has been previously convicted of reckless homicide or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted of committing a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and was involved in a motor vehicle accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; (3) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision for the third or subsequent time; (4) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit; or (5) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy; (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; ~~or~~ (h) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; (i) home repair fraud as defined in Section 3 of the Home Repair Fraud Act; or (j) aggravated home repair fraud as defined in Section 5 of the Home Repair Fraud Act; may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period

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the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (d)(1)(A), (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff. 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)"

Under the rules, the foregoing **Senate Bill No. 2270**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2197

A bill for AN ACT concerning the lottery.

SENATE BILL NO. 2218

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2229

A bill for AN ACT concerning higher education.

SENATE BILL NO. 2231

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2245

A bill for AN ACT concerning education.

Passed the House, May 21, 2013.

TIMOTHY D. MAPES, Clerk of 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 concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 2304

A bill for AN ACT concerning local government.

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## SENATE BILL NO. 2306

A bill for AN ACT concerning employment.

## SENATE BILL NO. 2314

A bill for AN ACT concerning health.

## SENATE BILL NO. 2318

A bill for AN ACT concerning local government.

Passed the House, May 21, 2013.

TIMOTHY D. MAPES, Clerk of the House

### CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Tuesday, May 21, 2013 and journalized Tuesday, May 21, 2013, Senator J. Cullerton moved that **Senate Bill No. 9** do pass, the veto of the Governor to the contrary notwithstanding.

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

YEAS 44; NAYS 11; Present 1.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Rezin
Bivins	Harris	Martinez	Righter
Brady	Hastings	McCann	Sandoval
Bush	Holmes	McConnaughay	Stadelman
Clayborne	Hunter	McGuire	Syverson
Collins	Hutchinson	Mulroe	Trotter
Connelly	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	Landek	Oberweis	
Forby	Lightford	Radogno	
Frerichs	Link	Raoul	

The following voted in the negative:

Barickman	Duffy	Manar	Silverstein
Biss	Harmon	McCarter	Sullivan
Cunningham	LaHood	Rose	

The following voted present:

Bertino-Tarrant

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Martinez moved that **Senate Resolution No. 160**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez moved that Senate Resolution No. 160 be adopted.

The motion prevailed.

And the resolution was adopted.

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**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Noland, **House Bill No. 923** 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 35; NAYS 19; Present 2.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Dillard	McCarter	Rezin
Barickman	Duffy	McConnaughay	Righter
Bivins	LaHood	Murphy	Rose
Brady	Luechtefeld	Oberweis	Syverson
Connelly	McCann	Radogno	

The following voted present:

Hunter  
Jones, E.

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.

On motion of Senator Hastings, **House Bill No. 1010** 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 56; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Forby	Lightford	Rezin
Barickman	Frerichs	Link	Righter
Bertino-Tarrant	Haine	Luechtefeld	Rose
Biss	Harmon	Manar	Sandoval
Bivins	Harris	Martinez	Silverstein
Brady	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Sullivan
Clayborne	Hunter	McConnaughay	Syverson

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Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Radogno	
Duffy	Landek	Raoul	

The following voted present:

Oberweis

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Holmes, **House Bill No. 1045** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Rose
Biss	Harmon	Manar	Sandoval
Bivins	Harris	Martinez	Silverstein
Brady	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Sullivan
Clayborne	Hunter	McConnaughay	Syverson
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

### HOUSE BILL RECALLED

On motion of Senator Delgado, **House Bill No. 1191** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was withdrawn by the sponsor.

Senator Delgado offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 1191

AMENDMENT NO. 2. Amend House Bill 1191 as follows:

on page 1, line 5, by replacing "Section 4.01" with "Sections 4.01 and 4.04"; and

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on page 8, immediately after line 1, by inserting the following:

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

Sec. 4.04. Long Term Care Ombudsman Program. The purpose of the Long Term Care Ombudsman Program is to ensure that older persons and persons with disabilities receive quality services. This is accomplished by providing advocacy services for residents of long term care facilities and participants receiving home care and community-based care. Managed care is increasingly becoming the vehicle for delivering health and long-term services and supports to seniors and persons with disabilities, including dual eligible participants. The additional ombudsman authority will allow advocacy services to be provided to Illinois participants for the first time and will produce a cost savings for the State of Illinois by supporting the rebalancing efforts of the Patient Protection and Affordable Care Act.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended. The Long Term Care Ombudsman Program is authorized, subject to sufficient appropriations, to advocate on behalf of older persons and persons with disabilities residing in their own homes or community-based settings, relating to matters which may adversely affect the health, safety, welfare, or rights of such individuals.

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

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

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

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

(iii) Seek consent to communicate privately and without restriction with any participant or resident, regardless of age;

(iv) Inspect the clinical and other records of a participant or resident, regardless of age, with the express written consent of the participant or resident;

(v) Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation; and -

(vi) Subject to permission of the participant or resident requesting services or his or her representative, enter a home or community-based setting.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)); and any facility as defined by Section 1-113 of the MR/DD Community Care Act, as now or hereafter amended.

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

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(2.8) "Community-based setting" means any place of abode other than an individual's private home.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of the State Long Term Care Ombudsman Program a regional long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(4) "Participant" means an older person or persons with disabilities who are eligible for services under any of the following:

(i) A medical assistance waiver administered by the State.

(ii) A managed care organization providing care coordination and other services to seniors and persons with disabilities.

(5) "Resident" means an older individual who resides in a long-term care facility.

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

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments, and participants residing in their own homes or community-based settings, including the option to serve residents and participants under the age of 60, relating to actions, inaction, or decisions of providers, or their representatives, of ~~such long-term care facilities, of supported living facilities, of assisted living and shared housing establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents and~~ participants. The Office and designated regional programs may represent all residents and participants, but are not required by this Act to represent persons under 60 years of age, except to the extent required by federal law. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department, in consultation with the Office, shall cooperate with the Department of Human Services and other State agencies in providing information and training to designated regional long term care ombudsman programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of the participants residents they serve, ~~including children, persons with mental illness (other than Alzheimer's disease and related disorders), and persons with developmental disabilities.~~

The State Long Term Care Ombudsman and all other ombudsmen, as defined in paragraph (3.1) of subsection (b) must submit to background checks under the Health Care Worker Background Check Act and receive training, as prescribed by the Illinois Department on Aging, before visiting facilities, private homes, or community-based settings. The training must include information specific to assisted living establishments, supportive living facilities, and shared housing establishments, private homes, and community-based settings and to the rights of residents and participants guaranteed under the corresponding Acts and administrative rules.

(c-5) Consumer Choice Information Reports. The Office shall:

(1) In collaboration with the Attorney General, create a Consumer Choice Information Report form to be completed by all licensed long term care facilities to aid Illinoisans and their families in making informed choices about long term care. The Office shall create a Consumer Choice Information Report for each type of licensed long term care facility. The Office shall collaborate with the Attorney General and the Department of Human Services to create a Consumer Choice Information Report form for facilities licensed under the MR/DD Community Care Act.

(2) Develop a database of Consumer Choice Information Reports completed by licensed long term care facilities that includes information in the following consumer categories:

- (A) Medical Care, Services, and Treatment.
- (B) Special Services and Amenities.
- (C) Staffing.
- (D) Facility Statistics and Resident Demographics.
- (E) Ownership and Administration.
- (F) Safety and Security.
- (G) Meals and Nutrition.
- (H) Rooms, Furnishings, and Equipment.
- (I) Family, Volunteer, and Visitation Provisions.

(3) Make this information accessible to the public, including on the Internet by means of a hyperlink labeled "Resident's Right to Know" on the Office's World Wide Web home page. Information about facilities licensed under the MR/DD Community Care Act shall be made accessible to the public by the Department of Human Services, including on the Internet by means of a hyperlink labeled "Resident's and Families' Right to Know" on the Department of Human Services' "For Customers" website.

(4) Have the authority, with the Attorney General, to verify that information provided

by a facility is accurate.

(5) Request a new report from any licensed facility whenever it deems necessary.

(6) Include in the Office's Consumer Choice Information Report for each type of licensed long term care facility additional information on each licensed long term care facility in the State of Illinois, including information regarding each facility's compliance with the relevant State and federal statutes, rules, and standards; customer satisfaction surveys; and information generated from quality measures developed by the Centers for Medicare and Medicaid Services.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, supportive living facility, assisted living establishment, and shared housing establishment must:

(i) permit immediate access to any resident, regardless of age, by a designated ombudsman; and

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

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

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

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

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

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

(3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, participant, witness, or employee of a long term care provider unless:

(1) the complainant, resident, participant, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, participant, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or

require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(j) The Long Term Care Ombudsman Fund is created as a special fund in the State treasury to receive moneys for the express purposes of this Section. All interest earned on moneys in the fund shall be credited to the fund. Moneys contained in the fund shall be used to support the purposes of this Section. (Source: P.A. 96-328, eff. 8-11-09; 96-758, eff. 8-25-09; 96-1372, eff. 7-29-10; 97-38, eff. 6-28-11.).

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Delgado, **House Bill No. 1191** 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 16.

The following voted in the affirmative:

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

The following voted in the negative:

Barickman	LaHood	Murphy	Syverson
Bivins	Luechtefeld	Oberweis	
Connelly	McCann	Rezin	
Dillard	McCarter	Righter	
Duffy	McConnaughay	Rose	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Syverson, **House Bill No. 1199** 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 57; NAYS None.

The following voted in the affirmative:

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Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Frerichs, **House Bill No. 1209** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Rezin
Barickman	Frerichs	Link	Righter
Bertino-Tarrant	Haine	Luechtefeld	Rose
Biss	Harmon	Manar	Sandoval
Bivins	Harris	Martinez	Silverstein
Brady	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Sullivan
Clayborne	Hunter	McConaughay	Syverson
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Muñoz	Van Pelt
Cullerton, T.	Jones, E.	Murphy	Mr. President
Cunningham	Koehler	Noland	
Delgado	Kotowski	Oberweis	
Dillard	LaHood	Radogno	
Duffy	Landek	Raoul	

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.

On motion of Senator Koehler, **House Bill No. 1217** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Link	Rezin
Barickman	Frerichs	Luechtefeld	Richter
Bertino-Tarrant	Haine	Manar	Rose
Biss	Harmon	Martinez	Sandoval
Bivins	Harris	McCann	Silverstein
Brady	Hastings	McCarter	Stadelman
Bush	Holmes	McConaughay	Sullivan
Clayborne	Hunter	McGuire	Syverson
Collins	Hutchinson	Mulroe	Trotter
Connelly	Jacobs	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Kotowski	Noland	
Delgado	LaHood	Oberweis	
Dillard	Landek	Radogno	
Duffy	Lightford	Raoul	

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.

#### HOUSE BILL RECALLED

On motion of Senator Hastings, **House Bill No. 1225** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Judiciary.

Senator Hastings offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 1225

AMENDMENT NO. 2. Amend House Bill 1225 by replacing everything after the enacting clause with the following:

"Section 5. The Interscholastic Athletic Organization Act is amended by adding Section 1.10 as follows:

(105 ILCS 25/1.10 new)

Sec. 1.10. CPR training video.

(a) The Illinois High School Association shall post a training video on hands-only cardiopulmonary resuscitation and automated external defibrillators on the association's Internet website, but only if it is provided to the association free of charge and is no more than 15 minutes in length.

(b) School districts shall notify parents and staff in newsletters, bulletins, calendars, or other correspondence currently published by the school district of the video posted under subsection (a) of this Section and encourage parents and staff to view it.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hastings, **House Bill No. 1225** 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:

[May 21, 2013]

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Koehler, **House Bill No. 1272** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Kotowski, **House Bill No. 1288** 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.

[May 21, 2013]

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Rose
Biss	Harmon	Manar	Sandoval
Bivins	Harris	Martinez	Silverstein
Brady	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Sullivan
Clayborne	Hunter	McConnaughay	Syverson
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Silverstein, **House Bill No. 1309** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Link	Rezin
Barickman	Frerichs	Luechtefeld	Righter
Bertino-Tarrant	Haine	Manar	Rose
Biss	Harmon	Martinez	Sandoval
Bivins	Harris	McCann	Silverstein
Brady	Hastings	McCarter	Stadelman
Bush	Holmes	McConnaughay	Sullivan
Clayborne	Hunter	McGuire	Syverson
Collins	Hutchinson	Mulroe	Trotter
Connelly	Jacobs	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Kotowski	Noland	
Delgado	LaHood	Oberweis	
Dillard	Landek	Radogno	
Duffy	Lightford	Raoul	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

[May 21, 2013]



**HOUSE BILL RECALLED**

On motion of Senator Link, **House Bill No. 1349** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO HOUSE BILL 1349**

AMENDMENT NO. 3. Amend House Bill 1349 as follows:

on page 1, line 13, after the period, by inserting "In the case of a health care facility that is secured by an electronic code box that is in good working order, if the owner of the health care facility provides the fire department with a valid access code, then that health care facility is not required to be accessible by an access or key box. For the purposes of this Section, "health care facility" means: a hospital licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; a nursing home or long-term care facility licensed under the Nursing Home Care Act; an assisted living establishment, as defined in the Assisted Living and Shared Housing Act; a mental health facility, as defined in the Mental Health and Developmental Disabilities Code; a supportive living facility certified to participate in the supportive living facilities program under Section 5-5.01a of the Illinois Public Aid Code; or a facility licensed under the Specialized Mental Health Rehabilitation Act."; and

on page 2, line 3, by inserting "or to facilities owned or operated by a public utility, as that term is defined under Section 3-105 of the Public Utilities Act" immediately after "structures".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Link, **House Bill No. 1349** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rezin
Barickman	Haine	Luechtefeld	Righter
Bertino-Tarrant	Harmon	Manar	Rose
Biss	Harris	Martinez	Sandoval
Bivins	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	
Forby	Lightford	Raoul	

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).

[May 21, 2013]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Frerichs, **House Bill No. 1351** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Holmes, **House Bill No. 1353** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Radogno
Barickman	Haine	Link	Raoul
Bertino-Tarrant	Harmon	Luechtefeld	Rezin
Biss	Harris	Manar	Righter
Bivins	Hastings	Martinez	Rose
Brady	Holmes	McCann	Sandoval
Bush	Hunter	McCarter	Silverstein
Clayborne	Hutchinson	McConnaughay	Stadelman
Collins	Jacobs	McGuire	Sullivan
Connelly	Jones, E.	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Cunningham	Kotowski	Murphy	Van Pelt
Delgado	LaHood	Noland	Mr. President
Forby	Landek	Oberweis	

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.

On motion of Senator Muñoz, **House Bill No. 1389** 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 43; NAYS 13.

The following voted in the affirmative:

Althoff	Forby	Kotowski	Noland
Bertino-Tarrant	Frerichs	Landek	Radogno
Biss	Haine	Lightford	Raoul
Brady	Harmon	Link	Sandoval
Bush	Hastings	Manar	Silverstein
Clayborne	Holmes	Martinez	Stadelman
Collins	Hunter	McConnaughay	Sullivan
Cullerton, T.	Hutchinson	McGuire	Trotter
Cunningham	Jacobs	Mulroe	Van Pelt
Delgado	Jones, E.	Muñoz	Mr. President
Dillard	Koehler	Murphy	

The following voted in the negative:

Barickman	LaHood	Oberweis	Syverson
Bivins	Luechtefeld	Rezin	
Connelly	McCann	Righter	
Duffy	McCarter	Rose	

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.

On motion of Senator Brady, **House Bill No. 1529** 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 53; NAYS 3.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Rezin
Barickman	Haine	Link	Righter
Bertino-Tarrant	Harmon	Luechtefeld	Rose
Biss	Harris	Manar	Sandoval
Bivins	Hastings	Martinez	Silverstein
Brady	Holmes	McCann	Stadelman
Bush	Hunter	McConnaughay	Sullivan
Clayborne	Hutchinson	McGuire	Syverson
Collins	Jacobs	Mulroe	Trotter
Connelly	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy	Mr. President
Cunningham	Kotowski	Noland	

Delgado	LaHood	Oberweis
Forby	Landek	Raoul

The following voted in the negative:

Duffy  
McCarter  
Radogno

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.

On motion of Senator Muñoz, **House Bill No. 1539** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Martinez, **House Bill No. 1545** 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 55; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Duffy	LaHood	Noland
Barickman	Forby	Landek	Oberweis
Bertino-Tarrant	Frerichs	Lightford	Radogno
Biss	Haine	Link	Raoul
Bivins	Harmon	Luechtefeld	Rezin
Brady	Harris	Manar	Rose

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Bush	Hastings	Martinez	Sandoval
Clayborne	Holmes	McCann	Silverstein
Collins	Hunter	McCarter	Stadelman
Connelly	Hutchinson	McConnaughay	Sullivan
Cullerton, T.	Jacobs	McGuire	Syverson
Cunningham	Jones, E.	Mulroe	Trotter
Delgado	Koehler	Muñoz	Van Pelt
Dillard	Kotowski	Murphy	

The following voted present:

Mr. President

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.

On motion of Senator Murphy, **House Bill No. 1548** 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 46; NAYS 6.

The following voted in the affirmative:

Althoff	Delgado	Kotowski	Raoul
Barickman	Dillard	Landek	Rezin
Bertino-Tarrant	Forby	Lightford	Sandoval
Biss	Haine	Link	Silverstein
Bivins	Harmon	Manar	Stadelman
Brady	Harris	McConnaughay	Sullivan
Bush	Hastings	McGuire	Syverson
Clayborne	Hunter	Mulroe	Trotter
Collins	Hutchinson	Muñoz	Van Pelt
Connelly	Jacobs	Murphy	Mr. President
Cullerton, T.	Jones, E.	Noland	
Cunningham	Koehler	Radogno	

The following voted in the negative:

Duffy	McCarter	Righter
LaHood	Oberweis	Rose

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.

On motion of Senator Silverstein, **House Bill No. 1571** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Koehler, **House Bill No. 1572** 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 55; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Radogno
Barickman	Frerichs	Link	Raoul
Bertino-Tarrant	Haine	Luechtefeld	Rezin
Biss	Harmon	Manar	Righter
Bivins	Harris	Martinez	Rose
Brady	Hastings	McCann	Sandoval
Bush	Holmes	McCarter	Silverstein
Clayborne	Hunter	McConaughay	Stadelman
Collins	Hutchinson	McGuire	Sullivan
Connelly	Jacobs	Mulroe	Syverson
Cullerton, T.	Koehler	Muñoz	Trotter
Delgado	Kotowski	Murphy	Van Pelt
Dillard	LaHood	Noland	Mr. President
Duffy	Landek	Oberweis	

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.

On motion of Senator Holmes, **House Bill No. 1745** 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 56; NAYS None.

The following voted in the affirmative:

[May 21, 2013]

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

At the hour of 4:12 o'clock p.m., Senator Link, presiding.

On motion of Senator Holmes, **House Bill No. 1809** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConnaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Muñoz, **House Bill No. 2199** 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:

[May 21, 2013]

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Rezin
Barickman	Frerichs	Link	Righter
Bertino-Tarrant	Haine	Manar	Rose
Biss	Harmon	Martinez	Sandoval
Bivins	Harris	McCann	Silverstein
Brady	Hastings	McCarter	Stadelman
Bush	Holmes	McConnaughay	Sullivan
Clayborne	Hunter	McGuire	Syverson
Collins	Hutchinson	Mulroe	Trotter
Connelly	Jacobs	Muñoz	Van Pelt
Cullerton, T.	Jones, E.	Murphy	Mr. President
Cunningham	Koehler	Noland	
Delgado	Kotowski	Oberweis	
Dillard	LaHood	Radogno	
Duffy	Landek	Raoul	

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.

On motion of Senator Hutchinson, **House Bill No. 2239** 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 47; NAYS 5; Present 1.

The following voted in the affirmative:

Althoff	Forby	Kotowski	Noland
Bertino-Tarrant	Frerichs	Landek	Raoul
Biss	Haine	Lightford	Rose
Bivins	Harmon	Link	Sandoval
Bush	Harris	Luechtefeld	Silverstein
Clayborne	Hastings	Manar	Stadelman
Collins	Holmes	Martinez	Sullivan
Connelly	Hunter	McConnaughay	Syverson
Cullerton, T.	Hutchinson	McGuire	Trotter
Cunningham	Jacobs	Mulroe	Van Pelt
Delgado	Jones, E.	Muñoz	Mr. President
Dillard	Koehler	Murphy	

The following voted in the negative:

Duffy	McCann	Oberweis
LaHood	McCarter	

The following voted present:

Barickman

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).

[May 21, 2013]



Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Delgado, **House Bill No. 2245** 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Silverstein
Bush	Holmes	McCarter	Stadelman
Clayborne	Hunter	McConaughay	Sullivan
Collins	Hutchinson	McGuire	Syverson
Connelly	Jacobs	Mulroe	Trotter
Cullerton, T.	Jones, E.	Muñoz	Van Pelt
Cunningham	Koehler	Murphy	Mr. President
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

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.

On motion of Senator Mulroe, **House Bill No. 2250** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Raoul
Barickman	Frerichs	Link	Rezin
Bertino-Tarrant	Haine	Luechtefeld	Righter
Biss	Harmon	Manar	Rose
Bivins	Harris	Martinez	Sandoval
Brady	Hastings	McCann	Stadelman
Bush	Holmes	McCarter	Sullivan
Clayborne	Hunter	McConaughay	Syverson
Collins	Hutchinson	McGuire	Trotter
Connelly	Jacobs	Mulroe	Van Pelt
Cullerton, T.	Jones, E.	Muñoz	Mr. President
Cunningham	Koehler	Murphy	
Delgado	Kotowski	Noland	
Dillard	LaHood	Oberweis	
Duffy	Landek	Radogno	

This roll call verified.

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hunter, **House Bill No. 2262** 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 32; NAYS 21; Present 1.

The following voted in the affirmative:

Bertino-Tarrant	Hastings	Lightford	Stadelman
Biss	Holmes	Link	Sullivan
Bush	Hunter	Manar	Trotter
Clayborne	Hutchinson	Martinez	Van Pelt
Collins	Jacobs	McGuire	Mr. President
Delgado	Jones, E.	Mulroe	
Frerichs	Koehler	Muñoz	
Harmon	Kotowski	Raoul	
Harris	Landek	Sandoval	

The following voted in the negative:

Althoff	Dillard	McCarter	Righter
Barickman	Duffy	McConnaughay	Rose
Bivins	Haine	Murphy	Syverson
Brady	LaHood	Oberweis	
Connelly	Luechtefeld	Radogno	
Cunningham	McCann	Rezin	

The following voted present:

Noland

This roll call verified.

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.

### 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 Assignments:

Senate Floor Amendment No. 3 to Senate Bill 115  
Senate Floor Amendment No. 1 to Senate Bill 851

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 1063  
Senate Committee Amendment No. 2 to House Bill 1443  
Senate Committee Amendment No. 6 to House Bill 3035

[May 21, 2013]

Senate Committee Amendment No. 1 to House Bill 3271

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 2 to House Bill 490  
 Senate Floor Amendment No. 1 to House Bill 922  
 Senate Floor Amendment No. 3 to House Bill 1225  
 Senate Floor Amendment No. 2 to House Bill 1544  
 Senate Floor Amendment No. 3 to House Bill 2618  
 Senate Floor Amendment No. 4 to House Bill 2780

At the hour of 4:43 o'clock p.m., the Chair announced that the Senate stand at ease.

#### AT EASE

At the hour of 4:53 o'clock p.m., the Senate resumed consideration of business.  
 Senator Link, presiding.

#### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported the following House Bill has been assigned to the indicated Standing Committee of the Senate:

Criminal Law: **House Bill No. 1443.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported the following Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government and Veterans Affairs: **Senate Resolutions Numbered 217, 243, 257, 298 and 301; Senate Joint Resolution No. 35; House Joint Resolutions Numbered 5, 24 and 27.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported that the Committee recommends that **House Bill No. 983** be re-referred from the Local Government Subcommittee on Special Issues to the Committee on Local Government.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, to which was referred **House Bill No. 1544**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported that the following Legislative Measure has been approved for consideration:

#### **House Joint Resolution 6**

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

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

[May 21, 2013]

Criminal Law: **Senate Floor Amendment No. 3 to Senate Bill 115; Senate Floor Amendment No. 1 to House Bill 821; Senate Committee Amendment No. 1 to House Bill 1063; Senate Committee Amendment No. 1 to House Bill 1443; Senate Committee Amendment No. 2 to House Bill 1443.**

Executive: **Senate Floor Amendment No. 1 to Senate Bill 851; Senate Floor Amendment No. 3 to Senate Bill 1002; Senate Committee Amendment No. 1 to House Bill 3271.**

Insurance: **Senate Floor Amendment No. 3 to House Bill 2618.**

Labor and Commerce: **Senate Floor Amendment No. 1 to House Bill 922.**

State Government and Veterans Affairs: **Senate Floor Amendment No. 2 to House Bill 1544; Senate Floor Amendment No. 4 to House Bill 2780; Senate Committee Amendment No. 6 to House Bill 3035.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 21, 2013 meeting, reported that the following Legislative Measure has been approved for consideration:

**Senate Floor Amendment No. 2 to House Bill 490**

The foregoing floor amendment was placed on the Secretary's Desk.

**COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 22, 2013**

The Chair announced the following committee to meet at 9:00 o'clock a.m.:

Local Government in Room 212

The Chair announced the following committee to meet at 9:05 o'clock a.m.:

Criminal Law in Room 409

The Chair announced the following committee to meet at 9:30 o'clock a.m.:

Insurance in Room 400

The Chair announced the following committees to meet at 10:00 o'clock a.m.:

State Government and Veterans Affairs in Room 409  
Executive in Room 212

**POSTING NOTICES WAIVED**

Senator Kotowski moved to waive the six-day posting requirement on **House Bill No. 1443** so that the measure may be heard in the Committee on Criminal Law that is scheduled to meet May 22, 2013.

The motion prevailed.

Senator Althoff moved to waive the six-day posting requirement on **House Bill No. 983** so that the measure may be heard in the Committee on Local Government that is scheduled to meet May 22, 2013.

The motion prevailed.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

[May 21, 2013]

On motion of Senator Lightford, **House Bill No. 129** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1238** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 1375** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 1683** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 1683**

AMENDMENT NO. 1. Amend House Bill 1683 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5i as follows:  
(30 ILCS 105/5i new)

Sec. 5i. Closure of State mental health facilities or developmental disabilities facilities. Consistent with the provisions of Sections 4.4 and 4.5 of the Community Services Act, whenever a State mental health facility operated by the Department of Human Services or a State developmental disabilities facility operated by the Department of Human Services is closed, the Department of Human Services, at the direction of the Governor, shall transfer funds from the closed facility to the appropriate line item providing appropriation authority for the new venue of care to facilitate the transition of services to the new venue of care, provided that the new venue of care is a Department of Human Services funded provider or facility.

As used in this Section, the terms "mental health facility" and "developmental disabilities facility" have the meanings ascribed to those terms in the Mental Health and Developmental Disabilities Code.

Section 10. The Community Services Act is amended by changing Section 4.6 as follows:  
(405 ILCS 30/4.6)

Sec. 4.6. Closure and sale of State mental health or developmental disabilities facility.

(a) Whenever a State mental health facility operated by the Department of Human Services is closed and the real estate on which the facility is located is sold by the State, then, to the extent that net proceeds are realized from the sale of that real estate, those net proceeds must be directed toward providing other services and supports for persons with mental health needs. To that end, those net proceeds shall be deposited into the Community Mental Health Medicaid Trust Fund.

(b) Whenever a State developmental disabilities facility operated by the Department of Human Services is closed and the real estate on which the facility is located is sold by the State, then, to the extent that net proceeds are realized from the sale of that real estate, those net proceeds must be directed toward providing other services and supports for persons with developmental disabilities needs. To that end, those net proceeds shall be deposited into the Community Developmental Disability Services Medicaid Trust Fund.

(c) In determining whether any net proceeds are realized from a sale of real estate described in subsection (a) or (b), the Division of Developmental Disabilities and the Division of Mental Health of the Department of Human Services shall each determine the money, if any, that shall be made available to ensure that life, safety, and care concerns, including infrastructure, are addressed so as to provide for persons with developmental disabilities or mental illness at the remaining respective State-operated facilities that will be expected to serve the individuals previously served at the closed facility.

(d) The purposes for which the net proceeds from a sale of real estate as provided in this Section may be used include, but are not limited to, the following:

- (1) Providing for individuals with developmental disabilities and mental health needs the services and supports described in subsection (e) of Section 4.4.
- (2) In the case of the closure of a mental health facility, the construction of a new facility to serve the needs of persons with mental health needs.
- (3) In the case of the closure of a developmental disabilities facility, construction of

a new facility to serve the needs of persons with developmental disabilities needs.

(e) Whenever any net proceeds are realized from a sale of real estate as provided in this Section, the Department of Human Services shall share and discuss its plan or plans for using those net proceeds with advocates, advocacy organizations, and advisory groups whose mission includes advocacy for persons with developmental disabilities or persons with mental illness.

(f) Consistent with the provisions of Sections 4.4 and 4.5 of this Act, whenever a State mental health facility operated by the Department of Human Services is closed, the Department of Human Services, at the direction of the Governor, shall transfer funds from the closed facility to the appropriate line item providing appropriation authority for the new venue of care to facilitate the transition of services to the new venue of care, provided that the new venue of care is a Department of Human Services funded provider or facility.

(g) As used in this Section, the term "mental health facility" has the meaning ascribed to that term in the Mental Health and Developmental Disabilities Code.

(Source: P.A. 96-660, eff. 8-25-09; 96-1000, eff. 7-2-10)."

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

On motion of Senator Sandoval, **House Bill No. 1810** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 2382** having been printed, was taken up and read by title a second time.

Senator Bertino-Tarrant offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 2382**

AMENDMENT NO. 1. Amend House Bill 2382 as follows:

on page 1, line 18, after "public officials" by inserting "and affected businesses".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hastings, **House Bill No. 2408** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senate Floor Amendment No. 2 was postponed in the Committee on Executive.

Senator Hastings offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO HOUSE BILL 2408**

AMENDMENT NO. 3. Amend House Bill 2408 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 6z-64 as follows:

(30 ILCS 105/6z-64)

Sec. 6z-64. The Workers' Compensation Revolving Fund.

(a) The Workers' Compensation Revolving Fund is created as a revolving fund, not subject to fiscal year limitations, in the State treasury. The following moneys shall be deposited into the Fund:

(1) amounts authorized for transfer to the Fund from the General Revenue Fund and other State funds (except for funds classified by the Comptroller as federal trust funds or State trust funds) pursuant to State law or Executive Order;

(2) federal funds received by the Department of Central Management Services (the "Department") as a result of expenditures from the Fund;

(3) interest earned on moneys in the Fund;

(4) receipts or inter-fund transfers resulting from billings issued to State agencies and universities for the cost of workers' compensation services that are not compensated through the specific fund transfers authorized by this Section, if any;

(5) amounts received from a State agency or university for workers' compensation payments for temporary total disability, as provided in Section 405-105 of the Department of Central

Management Services Law of the Civil Administrative Code of Illinois; and

(6) amounts recovered through subrogation in workers' compensation and workers' occupational disease cases.

(b) Moneys in the Fund may be used by the Department for reimbursement or payment for:

(1) providing workers' compensation services to State agencies and State universities;

or

(2) providing for payment of administrative and other expenses (and, beginning January 1, 2013, fees and charges made pursuant to a contract with a private vendor) incurred in providing workers' compensation services. The Department, or any successor agency designated to enter into contracts with one or more private vendors for the administration of the workers' compensation program for State employees pursuant to subsection 10b of Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois, is authorized to establish one or more special funds, as separate accounts provided by any bank or banks as defined by the Illinois Banking Act, any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985, or any credit union as defined by the Illinois Credit Union Act, to be held by the Director outside of the State treasury, for the purpose of receiving the transfer of moneys from the Workers' Compensation Revolving Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall be deposited into the Workers' Compensation Revolving Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to contracted private vendors or their financial institutions for payments to workers' compensation claimants and providers for workers' compensation services, claims, and benefits pursuant to this Section and subsection 9 of Section 405-105 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement or payment of administrative fees due the contracted vendor pursuant to its contract or contracts with the Department.

(c) State agencies may direct the Comptroller to process inter-fund transfers or make payment through the voucher and warrant process to the Workers' Compensation Revolving Fund in satisfaction of billings issued under subsection (a) of this Section.

(d) Reconciliation. For the fiscal year beginning on July 1, 2004 only, the Director of Central Management Services (the "Director") shall order that each State agency's payments and transfers made to the Fund be reconciled with actual Fund costs for workers' compensation services provided by the Department and attributable to the State agency and relevant fund on no less than an annual basis. The Director may require reports from State agencies as deemed necessary to perform this reconciliation.

(d-5) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2005 and until June 30, 2006, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$17,694,000
Statistical Services Revolving Fund.....	\$1,252,600
Department of Corrections Reimbursement and Education Fund.....	\$1,198,600
Communications Revolving Fund.....	\$535,400
Child Support Administrative Fund.....	\$441,900
Health Insurance Reserve Fund.....	\$238,900
Fire Prevention Fund.....	\$234,100
Park and Conservation Fund.....	\$142,000
Motor Fuel Tax Fund.....	\$132,800
Illinois Workers' Compensation Commission Operations Fund.....	\$123,900
State Boating Act Fund.....	\$112,300
Public Utility Fund.....	\$106,500
State Lottery Fund.....	\$101,300
Traffic and Criminal Conviction Surcharge Fund.....	\$88,500
State Surplus Property Revolving Fund.....	\$82,700
Natural Areas Acquisition Fund.....	\$65,600
Securities Audit and Enforcement Fund.....	\$65,200

Agricultural Premium Fund.....	\$63,400
Capital Development Fund.....	\$57,500
State Gaming Fund.....	\$54,300
Underground Storage Tank Fund.....	\$53,700
Illinois State Medical Disciplinary Fund.....	\$53,000
Personal Property Tax Replacement Fund.....	\$53,000
General Professions Dedicated Fund.....	\$51,900
Total	\$23,003,100

(d-10) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the first day of each calendar quarter of the fiscal year beginning July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund amounts equal to one-fourth of each of the following totals:

General Revenue Fund.....	\$34,000,000
Road Fund.....	\$25,987,000
Total	\$59,987,000

(d-12) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on the effective date of this amendatory Act of the 94th General Assembly, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$10,000,000
Road Fund.....	\$5,000,000
Total	\$15,000,000

(d-15) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$44,028,200
Road Fund.....	\$28,084,000
Total	\$72,112,200

(d-20) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2006 and until June 30, 2007, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Mental Health Fund.....	\$19,121,800
Statistical Services Revolving Fund.....	\$1,353,700
Department of Corrections Reimbursement and Education Fund.....	\$1,295,300
Communications Revolving Fund.....	\$578,600
Child Support Administrative Fund.....	\$477,600
Health Insurance Reserve Fund.....	\$258,200
Fire Prevention Fund.....	\$253,000
Park and Conservation Fund.....	\$153,500
Motor Fuel Tax Fund.....	\$143,500
Illinois Workers' Compensation Commission Operations Fund.....	\$133,900
State Boating Act Fund.....	\$121,400
Public Utility Fund.....	\$115,100
State Lottery Fund.....	\$109,500
Traffic and Criminal Conviction Surcharge Fund.....	\$95,700
State Surplus Property Revolving Fund.....	\$89,400
Natural Areas Acquisition Fund.....	\$70,800
Securities Audit and Enforcement Fund.....	\$70,400
Agricultural Premium Fund.....	\$68,500
State Gaming Fund.....	\$58,600
Underground Storage Tank Fund.....	\$58,000
Illinois State Medical Disciplinary Fund.....	\$57,200



Personal Property Tax Replacement Fund.....	\$57,200
General Professions Dedicated Fund.....	\$56,100
Total	\$24,797,000

(d-25) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2009, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$55,000,000
Road Fund.....	\$34,803,000
Total	\$89,803,000

(d-30) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2009 and until June 30, 2010, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$13,900
Teacher Certificate Fee Revolving Fund.....	\$6,500
Transportation Regulatory Fund.....	\$14,500
Financial Institution Fund.....	\$25,200
General Professions Dedicated Fund.....	\$25,300
Illinois Veterans' Rehabilitation Fund.....	\$64,600
State Boating Act Fund.....	\$177,100
State Parks Fund.....	\$104,300
Lobbyist Registration Administration Fund.....	\$14,400
Agricultural Premium Fund.....	\$79,100
Fire Prevention Fund.....	\$360,200
Mental Health Fund.....	\$9,725,200
Illinois State Pharmacy Disciplinary Fund.....	\$5,600
Public Utility Fund.....	\$40,900
Radiation Protection Fund.....	\$14,200
Firearm Owner's Notification Fund.....	\$1,300
Solid Waste Management Fund.....	\$74,100
Illinois Gaming Law Enforcement Fund.....	\$17,800
Subtitle D Management Fund.....	\$14,100
Illinois State Medical Disciplinary Fund.....	\$26,500
Facility Licensing Fund.....	\$11,700
Plugging and Restoration Fund.....	\$9,100
Explosives Regulatory Fund.....	\$2,300
Aggregate Operations Regulatory Fund.....	\$5,000
Coal Mining Regulatory Fund.....	\$1,900
Registered Certified Public Accountants' Administration and Disciplinary Fund.....	\$1,500
Weights and Measures Fund.....	\$56,100
Division of Corporations Registered Limited Liability Partnership Fund.....	\$3,900
Illinois School Asbestos Abatement Fund.....	\$14,000
Secretary of State Special License Plate Fund.....	\$30,700
Capital Development Board Revolving Fund.....	\$27,000
DCFS Children's Services Fund.....	\$69,300
Asbestos Abatement Fund.....	\$17,200
Illinois Health Facilities Planning Fund.....	\$26,800
Emergency Public Health Fund.....	\$5,600
Nursing Dedicated and Professional Fund.....	\$10,000
Optometric Licensing and Disciplinary Board Fund.....	\$1,600
Underground Resources Conservation Enforcement Fund.....	\$11,500
Drunk and Drugged Driving Prevention Fund.....	\$18,200
Long Term Care Monitor/Receiver Fund.....	\$35,400

Community Water Supply Laboratory Fund.....	\$5,600
Securities Investors Education Fund.....	\$2,000
Used Tire Management Fund.....	\$32,400
Natural Areas Acquisition Fund.....	\$101,200
Open Space Lands Acquisition and Development Fund.....	\$28,400
Working Capital Revolving Fund.....	\$489,100
State Garage Revolving Fund.....	\$791,900
Statistical Services Revolving Fund.....	\$3,984,700
Communications Revolving Fund.....	\$1,432,800
Facilities Management Revolving Fund.....	\$1,911,600
Professional Services Fund.....	\$483,600
Motor Vehicle Review Board Fund.....	\$15,000
Environmental Laboratory Certification Fund.....	\$3,000
Public Health Laboratory Services Revolving Fund.....	\$2,500
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$28,200
Securities Audit and Enforcement Fund.....	\$258,400
Department of Business Services Special Operations Fund.....	\$111,900
Feed Control Fund.....	\$20,800
Tanning Facility Permit Fund.....	\$5,400
Plumbing Licensure and Program Fund.....	\$24,400
Tax Compliance and Administration Fund.....	\$27,200
Appraisal Administration Fund.....	\$2,400
Small Business Environmental Assistance Fund.....	\$2,200
Illinois State Fair Fund.....	\$31,400
Secretary of State Special Services Fund.....	\$317,600
Department of Corrections Reimbursement and Education Fund.....	\$324,500
Health Facility Plan Review Fund.....	\$31,200
Illinois Historic Sites Fund.....	\$11,500
Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund.....	\$18,500
Public Pension Regulation Fund.....	\$5,600
Illinois Charity Bureau Fund.....	\$11,400
Renewable Energy Resources Trust Fund.....	\$6,700
Energy Efficiency Trust Fund.....	\$3,600
Pesticide Control Fund.....	\$56,800
Attorney General Whistleblower Reward and Protection Fund.....	\$14,200
Partners for Conservation Fund.....	\$36,900
Capital Litigation Trust Fund.....	\$800
Motor Vehicle License Plate Fund.....	\$99,700
Horse Racing Fund.....	\$18,900
Death Certificate Surcharge Fund.....	\$12,800
Auction Regulation Administration Fund.....	\$500
Motor Carrier Safety Inspection Fund.....	\$55,800
Assisted Living and Shared Housing Regulatory Fund.....	\$900
Illinois Thoroughbred Breeders Fund.....	\$9,200
Illinois Clean Water Fund.....	\$42,300
Secretary of State DUI Administration Fund.....	\$16,100
Child Support Administrative Fund.....	\$1,037,900
Secretary of State Police Services Fund.....	\$1,200
Tourism Promotion Fund.....	\$34,400
IMSA Income Fund.....	\$12,700
Presidential Library and Museum Operating Fund.....	\$83,000

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Dram Shop Fund.....	\$44,500
Illinois State Dental Disciplinary Fund.....	\$5,700
Cycle Rider Safety Training Fund.....	\$8,700
Traffic and Criminal Conviction Surcharge Fund.....	\$106,100
Design Professionals Administration and Investigation Fund.....	\$4,500
State Police Services Fund.....	\$276,100
Metabolic Screening and Treatment Fund.....	\$90,800
Insurance Producer Administration Fund.....	\$45,600
Coal Technology Development Assistance Fund.....	\$11,700
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$1,900
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$1,000
Environmental Protection Permit and Inspection Fund.....	\$66,900
Park and Conservation Fund.....	\$199,300
Local Tourism Fund.....	\$2,400
Illinois Capital Revolving Loan Fund.....	\$10,000
Large Business Attraction Fund.....	\$100
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$27,200
Public Infrastructure Construction Loan Revolving Fund.....	\$1,700
Insurance Financial Regulation Fund.....	\$69,200
Total	\$24,197,800

(d-35) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2010, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from each designated fund into the Workers' Compensation Revolving Fund the following amounts:

General Revenue Fund.....	\$55,000,000
Road Fund.....	\$50,955,300
Total	\$105,955,300

(d-40) Notwithstanding any other provision of State law to the contrary, on or after July 1, 2010 and until June 30, 2011, in addition to any other transfers that may be provided for by law, at the direction of and upon notification of the Director of Central Management Services, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Workers' Compensation Revolving Fund from the designated funds not exceeding the following totals:

Food and Drug Safety Fund.....	\$8,700
Financial Institution Fund.....	\$44,500
General Professions Dedicated Fund.....	\$51,400
Live and Learn Fund.....	\$10,900
Illinois Veterans' Rehabilitation Fund.....	\$106,000
State Boating Act Fund.....	\$288,200
State Parks Fund.....	\$185,900
Wildlife and Fish Fund.....	\$1,550,300
Lobbyist Registration Administration Fund.....	\$18,100
Agricultural Premium Fund.....	\$176,100
Mental Health Fund.....	\$291,900
Firearm Owner's Notification Fund.....	\$2,300
Illinois Gaming Law Enforcement Fund.....	\$11,300
Illinois State Medical Disciplinary Fund.....	\$42,300
Facility Licensing Fund.....	\$14,200
Plugging and Restoration Fund.....	\$15,600
Explosives Regulatory Fund.....	\$4,800
Aggregate Operations Regulatory Fund.....	\$6,000
Coal Mining Regulatory Fund.....	\$7,200
Registered Certified Public Accountants' Administration and Disciplinary Fund.....	\$1,900

Weights and Measures Fund.....	\$105,200
Division of Corporations Registered Limited Liability Partnership Fund.....	\$5,300
Illinois School Asbestos Abatement Fund.....	\$19,900
Secretary of State Special License Plate Fund.....	\$38,700
DCFS Children's Services Fund.....	\$123,100
Illinois Health Facilities Planning Fund.....	\$29,700
Emergency Public Health Fund.....	\$6,800
Nursing Dedicated and Professional Fund.....	\$13,500
Optometric Licensing and Disciplinary Board Fund.....	\$1,800
Underground Resources Conservation Enforcement Fund.....	\$16,500
Mandatory Arbitration Fund.....	\$5,400
Drunk and Drugged Driving Prevention Fund.....	\$26,400
Long Term Care Monitor/Receiver Fund.....	\$43,800
Securities Investors Education Fund.....	\$28,500
Used Tire Management Fund.....	\$6,300
Natural Areas Acquisition Fund.....	\$185,000
Open Space Lands Acquisition and Development Fund.....	\$46,800
Working Capital Revolving Fund.....	\$741,500
State Garage Revolving Fund.....	\$356,200
Statistical Services Revolving Fund.....	\$1,775,900
Communications Revolving Fund.....	\$630,600
Facilities Management Revolving Fund.....	\$870,800
Professional Services Fund.....	\$275,500
Motor Vehicle Review Board Fund.....	\$12,900
Public Health Laboratory Services Revolving Fund.....	\$5,300
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$42,100
Securities Audit and Enforcement Fund.....	\$162,700
Department of Business Services Special Operations Fund.....	\$143,700
Feed Control Fund.....	\$32,300
Tanning Facility Permit Fund.....	\$3,900
Plumbing Licensure and Program Fund.....	\$32,600
Tax Compliance and Administration Fund.....	\$48,400
Appraisal Administration Fund.....	\$3,600
Illinois State Fair Fund.....	\$30,200
Secretary of State Special Services Fund.....	\$214,400
Department of Corrections Reimbursement and Education Fund.....	\$438,300
Health Facility Plan Review Fund.....	\$29,900
Public Pension Regulation Fund.....	\$9,900
Pesticide Control Fund.....	\$107,500
Partners for Conservation Fund.....	\$189,300
Motor Vehicle License Plate Fund.....	\$143,800
Horse Racing Fund.....	\$20,900
Death Certificate Surcharge Fund.....	\$16,800
Auction Regulation Administration Fund.....	\$1,000
Motor Carrier Safety Inspection Fund.....	\$56,800
Assisted Living and Shared Housing Regulatory Fund.....	\$2,200
Illinois Thoroughbred Breeders Fund.....	\$18,100
Secretary of State DUI Administration Fund.....	\$19,800
Child Support Administrative Fund.....	\$1,809,500
Secretary of State Police Services Fund.....	\$2,500

Medical Special Purposes Trust Fund.....	\$20,400
Dram Shop Fund.....	\$57,200
Illinois State Dental Disciplinary Fund.....	\$9,500
Cycle Rider Safety Training Fund.....	\$12,200
Traffic and Criminal Conviction Surcharge Fund.....	\$128,900
Design Professionals Administration and Investigation Fund.....	\$7,300
State Police Services Fund.....	\$335,700
Metabolic Screening and Treatment Fund.....	\$81,600
Insurance Producer Administration Fund.....	\$77,000
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$1,900
Park and Conservation Fund.....	\$361,500
Adeline Jay Geo-Karis Illinois Beach Marina Fund.....	\$42,800
Insurance Financial Regulation Fund.....	\$108,000
Total	\$13,033,200

(d-45) Notwithstanding any other provision of State law to the contrary and in addition to any other transfers that may be provided for by law, on July 1, 2011, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$45,000,000 from the General Revenue Fund into the Workers' Compensation Revolving Fund.

(e) The term "workers' compensation services" means services, claims expenses, and related administrative costs incurred in performing the duties under Sections 405-105 and 405-411 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois. (Source: P.A. 96-45, eff. 7-15-09; 96-959, eff. 7-1-10; 97-641, eff. 12-19-11; 97-895, eff. 8-3-12.)

Section 10. The Illinois Procurement Code is amended by changing Section 45-57 as follows:  
(30 ILCS 500/45-57)

Sec. 45-57. Veterans.

(a) Set-aside goal. It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (referred to as SDVOSB) and veteran-owned small businesses (referred to as VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as a goal to be awarded to SDVOSB and VOSB. That portion of a contract under which the contractor subcontracts with a SDVOSB or VOSB may be counted toward the goal of this subsection. The Department of Central Management Services shall adopt rules to implement compliance with this subsection by all State agencies.

(b) Fiscal year reports. By each September 1, each chief procurement officer shall report to the Department of Central Management Services on all of the following for the immediately preceding fiscal year, and by each March 1 the Department of Central Management Services shall compile and report that information to the General Assembly:

(1) The total number of VOSB, and the number of SDVOSB, who submitted bids for contracts under this Code.

(2) The total number of VOSB, and the number of SDVOSB, who entered into contracts with the State under this Code and the total value of those contracts.

(c) Yearly review and recommendations. Each year, each chief procurement officer shall review the progress of all State agencies under its jurisdiction in meeting the goal described in subsection (a), with input from statewide veterans' service organizations and from the business community, including businesses owned by qualified veterans, and shall make recommendations to be included in the Department of Central Management Services' report to the General Assembly regarding continuation, increases, or decreases of the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified veterans and on the continued need to encourage and promote businesses owned by qualified veterans.

(d) Governor's recommendations. To assist the State in reaching the goal described in subsection (a), the Governor shall recommend to the General Assembly changes in programs to assist businesses owned by qualified veterans.

(e) Definitions. As used in this Section:

"Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps,

Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this Section.

"Certification" means a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, ~~may also shall~~ select and designate whether that business is to be certified as a "female-owned business", "minority-owned business", or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, ~~or as a qualified SDVOSB or qualified VOSB under this Section.~~

"Control" means the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.

"Qualified service-disabled veteran" means a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

"Qualified service-disabled veteran-owned small business" or "SDVOSB" means a small business (i) that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of Central Management Services.

"Qualified veteran-owned small business" or "VOSB" means a small business (i) that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of Central Management Services.

"Service-connected disability" means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

"Small business" means a business that has annual gross sales of less than \$75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to the Department of Central Management Services for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans.

"State agency" has the same meaning as in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Veteran" means a person who (i) has been a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

(f) Certification program. The Illinois Department of Veterans' Affairs and the Department of Central Management Services shall work together to devise a certification procedure to assure that businesses taking advantage of this Section are legitimately classified as qualified service-disabled veteran-owned small businesses or qualified veteran-owned small businesses.

## (g) Penalties.

(1) Administrative penalties. The Department of Central Management Services shall suspend any person who commits a violation of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to this Section from bidding on, or participating as a contractor, subcontractor, or supplier in, any State contract or project for a period of not less than 3 years, and, if the person is certified as a service-disabled veteran-owned small business or a veteran-owned small business, then the Department shall revoke the business's certification for a period of not less than 3 years. An additional or subsequent violation shall extend the periods of suspension and revocation for a period of not less than 5 years. The suspension and revocation shall apply to the principals of the business and any subsequent business formed or financed by, or affiliated with, those principals.

(2) Reports of violations. Each State agency shall report any alleged violation of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to this Section to the Department of Central Management Services. The Department of Central Management Services shall subsequently report all such alleged violations to the Attorney General, who shall determine whether to bring a civil action against any person for the violation.

(3) List of suspended persons. The Department of Central Management Services shall monitor the status of all reported violations of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to this Section and shall maintain and make available to all State agencies a central listing of all persons that committed violations resulting in suspension.

(4) Use of suspended persons. During the period of a person's suspension under paragraph (1) of this subsection, a State agency shall not enter into any contract with that person or with any contractor using the services of that person as a subcontractor.

(5) Duty to check list. Each State agency shall check the central listing provided by the Department of Central Management Services under paragraph (3) of this subsection to verify that a person being awarded a contract by that State agency, or to be used as a subcontractor or supplier on a contract being awarded by that State agency, is not under suspension pursuant to paragraph (1) of this subsection.

(Source: P.A. 96-96, eff. 1-1-10; 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Mulroe, **House Bill No. 2432** having been printed, was taken up and read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on Financial Institutions.

Senator Mulroe offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO HOUSE BILL 2432**

AMENDMENT NO. 2. Amend House Bill 2432 by replacing everything after the enacting clause with the following:

"Section 5. The Electronic Fund Transfer Act is amended by changing Section 50 as follows:  
(205 ILCS 616/50)

Sec. 50. Terminal requirements.

(a) To assure maximum safety and security against malfunction, fraud, theft, and other accidents or abuses and to assure that all access devices will have the capability of activating all terminals established in this State, no terminal shall accept an access device that does not conform to specifications that are generally accepted. In the case of a dispute concerning the specifications, the Commissioner, in accordance with the provisions of Section 20 of this Act, shall have the authority to determine the specifications.

(b) No terminal that does not accept an access device that conforms with those specifications shall be established or operated.

(c) A terminal shall bear a logotype or other identification symbol designed to advise customers which access devices may activate the terminal.

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(d) When used to perform an interchange transaction, a terminal shall not bear any form of proprietary advertising of products and services not offered at the terminal; provided, however, that a terminal screen may bear proprietary advertising of products or services offered by a financial institution when a person uses an access device issued by that financial institution.

(e) No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal, whether or not the consumer is using an access device issued by that person, unless that surcharge is clearly disclosed to the consumer ~~both (i) by a sign that is clearly visible to the consumer on or at the terminal being used and (ii) electronically on the terminal screen.~~ Following presentation of the electronic disclosure on the terminal screen, the consumer shall be provided an opportunity to cancel that transaction without incurring any surcharge or other obligation. If a surcharge is imposed on a consumer using an access device not issued by the person operating the terminal, that person shall disclose ~~on the sign and~~ on the terminal screen that the surcharge is in addition to any fee that may be assessed by the consumer's own institution. As used in this subsection, "surcharge" means any charge imposed by the person operating the terminal solely for the use of the terminal.

(f) A receipt given at a terminal to a person who initiates an electronic fund transfer shall include a number or code that identifies the consumer initiating the transfer, the consumer's account or accounts, or the access device used to initiate the transfer. If the number or code shown on the receipt is a number that identifies the access device, the number must be truncated as printed on the receipt so that fewer than all of the digits of the number or code are printed on the receipt. The Commissioner may, however, modify or waive the requirements imposed by this subsection (f) if the Commissioner determines that the modifications or waivers are necessary to alleviate any undue compliance burden.

(g) No terminal shall operate in this State unless, with respect to each interchange transaction initiated at the terminal, the access code entered by the consumer to authorize the transaction is encrypted by the device into which the access code is manually entered by the consumer and is transmitted from the terminal only in encrypted form. Any terminal that cannot meet the foregoing encryption requirements shall immediately cease forwarding information with respect to any interchange transaction or attempted interchange transaction.

(h) No person that directly or indirectly provides data processing support to any terminal in this State shall authorize or forward for authorization any interchange transaction unless the access code intended to authorize the interchange transaction is encrypted when received by that person and is encrypted when forwarded to any other person.

(i) A terminal operated in this State may be designed and programmed so that when a consumer enters his or her personal identification number in reverse order, the terminal automatically sends an alarm to the local law enforcement agency having jurisdiction over the terminal location. The Commissioner shall promulgate rules necessary for the implementation of this subsection (i). The provisions of this subsection (i) shall not be construed to require an owner or operator of a terminal to design and program the terminal to accept a personal identification number in reverse order.

(j) A person operating a terminal in this State may not impose a fee upon a consumer for usage of the terminal if the consumer is using a Link Card or other access device issued by a government agency for use in obtaining financial aid under the Illinois Public Aid Code.

For the purpose of this subsection (j), the term "person operating a terminal" means the person who has control over and is responsible for a terminal. The term "person operating a terminal" does not mean the person who owns or controls the property or building in which a terminal is located, unless he or she also has control over and is responsible for the terminal.

(Source: P.A. 93-136, eff. 1-1-04; 93-273, eff. 1-1-04; 93-583, eff. 1-1-04; 93-898, eff. 8-10-04.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **House Bill No. 2470** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **House Bill No. 2482** having been printed, was taken up and read by title a second time.

Senator Stadelman offered the following amendment and moved its adoption:

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**AMENDMENT NO. 1 TO HOUSE BILL 2482**

AMENDMENT NO. 1. Amend House Bill 2482 by replacing everything after the enacting clause as follows:

"Section 5. The Counties Code is amended by changing Section 6-1002 as follows:  
(55 ILCS 5/6-1002) (from Ch. 34, par. 6-1002)

Sec. 6-1002. Contents of annual budget. The annual budget shall contain: (a) A statement of the receipts and payments and a statement of the revenues and expenditures of the fiscal year last ended.

(b) A statement of all moneys in the county treasury or in any funds thereof, unexpended at the termination of the fiscal year last ended, of all amounts due or accruing to such county, and of all outstanding obligations or liabilities of the county incurred in any preceding fiscal year.

(c) Estimates of all probable income for the current fiscal year and for the ensuing fiscal year covered by the budget, specifying separately for each of said years the estimated income from taxes, from fees, and from all other sources. The estimated income from fees shall indicate both the estimated total receipts from fees by county fee officers and the estimated net receipts from fees to be paid into the county treasury.

(d) A detailed statement showing estimates of expenditures for the current fiscal year, revised to the date of such estimate, and, separately, the proposed expenditures for the ensuing fiscal year for which the budget is prepared. Said revised estimates and proposed expenditures shall show the amounts for current expenses and capital outlay, shall specify the several objects and purposes of each item of current expenses, and shall include for each of said years all floating indebtedness as of the beginning of the year, the amount of funded debt maturing during the year, the interest accruing on both floating and funded debt, and all charges fixed or imposed upon counties by law.

(e) A schedule of proposed appropriations itemized as provided for proposed expenditures included in the schedule prepared in accordance with the provisions of paragraph (d) hereof, as approved by the county board or the board of county commissioners. Said schedule, when adopted in the manner set forth herein, shall be known as the annual appropriation ordinance. An amount not exceeding five per cent. of the total may be appropriated for contingent, incidental, miscellaneous, or general county purposes, but no part of the amounts so appropriated shall be used for purposes for which other appropriations are made in such budget unless a transfer of funds is made as authorized by this Division.

(f) A detailed statement showing any bonuses or increase in any salary, wage, stipend, or other form of compensation that is not subject to a collective bargaining agreement for every agency, department, or any other entity receiving an appropriation from the county, regardless of whether the employee receiving them is part of a collective bargaining unit.

The provisions of paragraphs (a) and (b) of this Section shall not apply to the first budget prepared under the provisions of this Division.

The schedules of proposed appropriations for debt financing shall indicate all funded or unfunded or floating indebtedness, the steps taken, if any, to incur additional indebtedness, and the means and amounts employed or to be employed for the reduction or payment of existing or proposed indebtedness or for interest thereon.

The budget shall classify all estimated receipts and proposed expenditures, and all amounts in the treasury of the county, under the several county funds now provided by law.

At any point following the adoption of the annual budget, if the county board determines by a 2/3 vote of all members constituting such board, that revenue received, or to be received, by the county during the then present fiscal year totals an amount substantially less than that projected at the time of adoption of the annual budget for that fiscal year, such board, by like vote, may adopt an amended budget for the remainder of the then present fiscal year. The authority of the county board to amend the annual appropriation ordinance at any point during the fiscal year shall be the same as its authority to determine and adopt the original annual budget; such amended budget shall be prepared as otherwise provided in this Section.

(Source: P.A. 86-962.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sandoval, **House Bill No. 2585** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2586** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jones, **House Bill No. 2654** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 2695** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 2695**

AMENDMENT NO. 1. Amend House Bill 2695 as follows:

on page 2, line 3, after "than" by inserting "Department of Corrections vehicles and".

**AMENDMENT NO. 2 TO HOUSE BILL 2695**

AMENDMENT NO. 2. Amend House Bill 2695 as follows:

on page 2, by replacing lines 13 through 24 with the following:

"(605 ILCS 5/223 new)

Sec. 223. Electric vehicle charging stations.

By January 1, 2016 or as soon thereafter as possible, the Department may provide for at least one electric vehicle charging station at each Interstate highway rest area where electrical service will reasonably permit and if these stations and charging user fees at these stations are allowed by federal regulations.

The Department may adopt and publish specifications detailing the kind and type of electric vehicle charging station to be provided and may adopt rules governing the place of erection, user fees, and maintenance of electric vehicle charging stations."

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

On motion of Senator Dillard, **House Bill No. 2787** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 2787**

AMENDMENT NO. 1. Amend House Bill 2787 by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Child Reporting Act is amended by changing Sections 7.7, 7.14, 7.16, and 7.21 and by adding Section 7.22 as follows:  
(325 ILCS 5/7.7) (from Ch. 23, par. 2057.7)

Sec. 7.7. There shall be a central register of all cases of suspected child abuse or neglect reported and maintained by the Department under this Act. Through the recording of initial, preliminary, and final reports, the central register shall be operated in such a manner as to enable the Department to: (1) immediately identify and locate prior reports of child abuse or neglect; (2) continuously monitor the current status of all reports of child abuse or neglect being provided services under this Act; and (3) regularly evaluate the effectiveness of existing laws and programs through the development and analysis of statistical and other information.

The Department shall maintain in the central register a listing of unfounded reports where the subject of the unfounded report requests that the record not be expunged because the subject alleges an intentional false report was made. Such a request must be made by the subject in writing to the Department, within 10 days of the investigation. By January 1, 2014, the Department shall promulgate rules establishing criteria and standards for labeling an unfounded report as an intentional false report in

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the central register. The rules shall permit the reporter to submit a statement regarding the report unless the reporter has been convicted of knowingly transmitting a false report to the Department under paragraph (7) of subsection (a) of Section 26-1 of the Criminal Code of 2012.

The Department shall also maintain in the central register a listing of unfounded reports where the report was classified as a priority one or priority two report in accordance with the Department's rules or the report was made by a person mandated to report suspected abuse or neglect under this Act.

The Department shall maintain in the central register for 3 years a listing of unfounded reports involving the death of a child, the sexual abuse of a child, or serious physical injury to a child as defined by the Department in rules.

If an individual is the subject of a subsequent investigation that is pending, the Department shall maintain all prior unfounded reports pertaining to that individual until the pending investigation has been completed or for 12 months, whichever time period ends later.

The Department shall maintain all other unfounded reports for 12 months following the date of the final finding.

For purposes of this Section "child abuse or neglect" includes abuse or neglect of an adult resident as defined in this Act.

(Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10; 97-333, eff. 8-12-11; 97-1089, eff. 8-24-12.)  
(325 ILCS 5/7.14) (from Ch. 23, par. 2057.14)

Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall, within 45 days of classification of the report, transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided the Department has not expunged the file in accordance with Section 7.7. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed.

Notwithstanding any other provision of this Section, identifying information in indicated reports involving serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules. Identifying information in indicated reports involving sexual penetration of a child, sexual molestation of a child, sexual exploitation of a child, torture of a child, or the death of a child, as defined by the Department in rules, shall be retained for a period of not less than 50 years after the report is indicated or after the subsequent case or report is closed.

For purposes of this Section "child" includes an adult resident as defined in this Act.

(Source: P.A. 96-1164, eff. 7-21-10; 96-1446, eff. 8-20-10; 97-333, eff. 8-12-11.)  
(325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

Sec. 7.16. For any investigation or appeal initiated on or after, or pending on July 1, 1998, the following time frames shall apply. Within 60 days after the notification of the completion of the Child Protective Service Unit investigation, determined by the date of the notification sent by the Department, a subject of a report may request the Department to amend the record or remove the record of the report from the register. Such request shall be in writing and directed to such person as the Department designates in the notification. If the Department disregards any request to do so or does not act within 10 days, the subject shall have the right to a hearing within the Department to determine whether the record of the report should be amended or removed on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this Act, except that there shall be no such right to a hearing on the ground of the report's inaccuracy if there has been a court finding of child abuse or neglect, the report's accuracy being conclusively presumed on such finding. Such hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. The appropriate Child Protective Service Unit

shall be given notice of the hearing. If the minor, who is the victim named in the report sought to be amended or removed from the State Central Register, is the subject of a pending action under Article II of the Juvenile Court Act of 1987, and the report was made while a guardian ad litem was appointed for the minor under Section 2-17 of the Juvenile Court Act of 1987, then the minor shall, through the minor's attorney or guardian ad litem appointed under Section 2-17 of the Juvenile Court Act of 1987, have the right to participate and be heard in such hearing as defined under the Department's rules. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the Department and the appropriate Child Protective Service Unit. The hearing shall be conducted by the Director or his designee, who is hereby authorized and empowered to order the amendment or removal of the record to make it accurate and consistent with this Act. The decision shall be made, in writing, at the close of the hearing, or within 45 days thereof, and shall state the reasons upon which it is based. Decisions of the Department under this Section are administrative decisions subject to judicial review under the Administrative Review Law.

Should the Department grant the request of the subject of the report pursuant to this Section either on administrative review or after administrative hearing to amend an indicated report to an unfounded report, the report shall be released and expunged in accordance with the standards set forth in Section 7.14 of this Act.

(Source: P.A. 90-15, eff. 6-13-97; 90-608, eff. 6-30-98.)

(325 ILCS 5/7.21)

Sec. 7.21. Multidisciplinary Review Committee.

(a) The Department may establish multidisciplinary review committees in each region of the State to assure that mandated reporters have the ability to have a review conducted on any situation where a child abuse or neglect report made by them was "unfounded", and they have concerns about the adequacy of the investigation. These committees shall draw upon the expertise of the Child Death Review Teams as necessary and practicable. Each committee will be composed of the following: a health care professional, a Department employee, a law enforcement official, a licensed social worker, and a representative of the State's attorney's office. In appointing members of a committee, primary consideration shall be given to a prospective member's prior experience in dealing with cases of suspected child abuse or neglect.

(b) ~~Whenever the Department determines that a reported incident of child abuse or neglect from a mandated reporter is "unfounded", the mandated reporter may request a review of the investigation within 10 days of the notification of the final finding. Whenever the Department determines that a reported incident of child abuse or neglect from a mandated reporter or any other reporter is "unfounded", the minor's guardian ad litem appointed under the Juvenile Court Act of 1987 may request a review of the investigation within 10 days of the notification of the final finding if the subject of the report is also the minor for whom the guardian ad litem has been appointed. The review of the investigation requested by the guardian ad litem may be conducted by the Regional Child Protection Manager.~~

~~A review under this subsection will be conducted by the committee, except those requests for review that are made by the guardian ad litem, which shall be conducted by the Regional Child Protection Manager.~~ The Department shall make available to the committee all information in the Department's possession concerning the case. The committee shall make recommendations to the Department as to the adequacy of the investigation and of the accuracy of the final finding determination. These findings shall be forwarded to the Regional Child Protection Manager.

(c) The Department shall provide complete records of these investigations to the committee. Records provided to the committee and recommendation reports generated by the committee shall not be public record.

(c-5) On or before October 1 of each year, the Department shall prepare a report setting forth (i) the number of investigations reviewed by each committee during the previous fiscal year and (ii) the number of those investigations that the committee found to be inadequate. The report shall also include a summary of the committee's comments and a summary of the corrective action, if any, that was taken in response to the committee's recommendations. The report shall be a public record. The Department shall submit the report to the General Assembly and shall make the report available to the public upon request.

(d) The Department shall adopt rules to implement this Section.

(Source: P.A. 90-239, eff. 7-28-97; 91-812, eff. 6-13-00.)

(325 ILCS 5/7.22 new)

Sec. 7.22. Reviews of unfounded reports.

(a) Whenever the Department determines that a reported incident of child abuse or neglect is "unfounded", the minor's attorney or guardian ad litem appointed under the Juvenile Court Act of 1987

may request a review of the investigation within 10 days of the notification of the final finding and receipt of the report, as provided in Section 7.14 of this Act, if the subject of the report is also the minor for whom the attorney or guardian ad litem has been appointed.

(b) Reviews requested under subsection (a) may be requested by sending a request via U.S. Mail, postmarked within 10 days after notice of the final finding, or by faxing a request within 10 days after notice of the final finding. The date of notification of the final finding is the date the attorney or guardian ad litem received a copy of the report from the Department.

(c) By January 1, 2014, the Department shall promulgate rules addressing reviews requested under subsection (a). The rules shall provide that a review requested under subsection (a) must occur before the report is classified and a final finding is entered in the central register and that the review must be conducted by a Department employee outside the supervisory chain of the assigned investigator.

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

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

On motion of Senator Bertino-Tarrant, **House Bill No. 2856** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 2934** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **House Bill No. 2947** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 2947**

AMENDMENT NO. 1. Amend House Bill 2947, on page 3, by replacing lines 20 and 21 with "Section 25 of the State Finance Act and costs incurred by the Department on Aging. The section shall also include an estimate of individual and corporate income tax overpayments that will not be refunded before the close of the fiscal year.".

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

On motion of Senator Althoff, **House Bill No. 2955** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 2955**

AMENDMENT NO. 1. Amend House Bill 2955 on page 1, line 7, by replacing "30" with "60".

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

On motion of Senator Stadelman, **House Bill No. 2969** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **House Bill No. 3063** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 3125** having been printed, was taken up and read by title a second time.

Senate Floor Amendment Nos. 1 and 2 was postponed in the Committee on Labor and Commerce. Senator Forby offered the following amendment and moved its adoption:

**AMENDMENT NO. 3 TO HOUSE BILL 3125**

AMENDMENT NO. 3. Amend House Bill 3125 by replacing everything after the enacting clause with the following:

[May 21, 2013]

"Section 5. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by changing Section 1005-47 and by adding Section 1005-165 as follows:

(20 ILCS 1005/1005-47)

Sec. 1005-47. IllinoisJobLink.com Illinois Skills Match Program.

(a) The Department of Employment Security, through its IllinoisJobLink.com Illinois Skills Match System, or a successor system, shall maintain a web site that allows job seekers to search online for employment opportunities that match the skills of the person seeking employment.

(b) Each executive branch State agency and any individual or entity that is party to a contract with an executive branch State agency, except those individuals or entities that are party to a contract with a bona fide labor organization and perform construction or construction-related services as defined in Section 1-15.20 of the Illinois Procurement Code agencies with one or more positions subject to any jurisdiction of the Personnel Code, must either (i) post employment vacancies on the Department's IllinoisJobLink.com Skills Match System or its successor system or (ii) provide an online link to its employment vacancies so that this link is accessible through the web page of the IllinoisJobLink.com Illinois Skills Match System or its successor system. "State agency" has the meaning as defined in Section 1-5 of the State Officials and Employees Ethics Act and, for purposes of this Section, includes community colleges. "Contract" has the meaning given to that term in Section 1-15.30 of the Illinois Procurement Code. The Department of Central Management Services shall comply with this Section on behalf of executive branch State agencies with one or more positions subject to any jurisdiction of the Personnel Code provide an online link to its State employment information and career services web page so that this link is accessible through the web page of the Illinois Skills Match System or its successor system.

This Section does not apply to positions exempt from the requirements of the Rutan decision or to construction-related services as defined in Section 1-15.20 of the Illinois Procurement Code.

(c) All units of local government, school districts, and other public and private employers not subject to subsection (b) may, and are encouraged to, post employment vacancies on the IllinoisJobLink.com Illinois Skills Match System or successor system.

(d) The Department may not charge any employer or any person seeking employment a fee for using the IllinoisJobLink.com Illinois Skills Match System or successor system.

(e) The Department is authorized to adopt all rules necessary to implement and administer the IllinoisJobLink.com Illinois Skills Match System or any successor system under this Section.

(Source: P.A. 94-786, eff. 7-1-07.)

(20 ILCS 1005/1005-165 new)

Sec. 1005-165. Disabled veterans outreach. The Department shall employ such disabled veterans outreach program specialists as appropriate and efficient according to Section 4103A of Title 38 of the United States Code, or any successor legislation, based upon available federal funding for that purpose.

Section 10. The Veterans' Employment Representative Act is amended by changing Sections 1 and 2 as follows:

(330 ILCS 50/1) (from Ch. 48, par. 186a)

Sec. 1. Veteran services; representative. The Department of Employment Security ~~Each full service office of the Job Service~~ shall assign at least one full time Veterans' Employment Representative, defined by title and classification under the Personnel Code of Illinois, to each full service office of the employment service, to work exclusively in job counseling, training, and placement of veterans. Preference for these positions shall be given to qualified persons who have been members of the armed forces of the United States in times of hostilities with a foreign country. Any candidate for these positions shall be deemed to have met and satisfied examination admission requirements if the candidate served in the armed forces during times of hostilities with a foreign country and was honorably discharged therefrom due to a combat-related disability. The holder of such a position shall be administratively responsible to the local office manager, and his or her first line responsibility is functional supervision of all local office services to veterans. He or she may also be delegated line supervision of veteran units, assistant local veterans' employment representative, or veteran aid. Individualized veterans' services such as application taking, counseling, job referral, or training will continue to be provided to veterans on a priority basis by all local office staff.

(Source: P.A. 90-372, eff. 7-1-98.)

(330 ILCS 50/2) (from Ch. 48, par. 186b)

Sec. 2. Veteran services; funding. Since funding for these veteran services by the employment service ~~Job Service~~ has already been provided for by the U.S. Department of Labor, no additional funds will be

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required to carry out the provisions of this Act.  
(Source: P.A. 90-372, eff. 7-1-98.)

Section 15. The Unemployment Insurance Act is amended by changing Sections 1400, 1510, 1801.1, 2401, and 2800 and by adding Section 2208.1 as follows:

(820 ILCS 405/1400) (from Ch. 48, par. 550)

Sec. 1400. Payment of contributions. On and after July 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages payable for employment occurring during the six months' period beginning July 1, 1937, and the calendar years 1938, 1939, and 1940. For the year 1941 and for each calendar year thereafter, contributions shall accrue and become payable by each employer upon the wages paid with respect to employment after December 31, 1940. Except as otherwise provided in Section 1400.2, such contributions shall become due and shall be paid quarterly on or before the last day of the month next following the calendar quarter for which such contributions have accrued; except that any employer who is delinquent in filing a contribution report or in paying his contributions for any calendar quarter may, at the discretion of the Director, be required to report and to pay contributions on a calendar month basis. Such contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. If the Director shall find that the collection of any contributions will be jeopardized by delay, he may declare the same to be immediately due and payable.

In the payment of any contributions, interest, or penalties, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

The Director may by regulation provide that if, at any time, a total amount of less than \$2 is payable with respect to a quarter, including any contributions, payments in lieu of contributions, interest or penalties, such amount may be disregarded. Any amounts disregarded under this paragraph are deemed to have been paid for all other purposes of this Act. Nothing in this paragraph is intended to relieve any employer from filing any reports required by this Act or by any rules or regulations adopted by the Director pursuant to this Act.

Except with respect to the provisions concerning amounts that may be disregarded pursuant to regulation, this Section does not apply to any nonprofit organization or any governmental entity referred to in subsection B of Section 1405 for any period with respect to which it does not incur liability for the payment of contributions by reason of having elected to make payments in lieu of contributions, or to any political subdivision or municipal corporation for any period with respect to which it is not subject to payments in lieu of contributions under the provisions of paragraph 1 of Section 302C by reason of having elected to make payments in lieu of contributions under paragraph 2 of that Section, or to the State of Illinois or any of its instrumentalities.

The Director may, by regulation, provide that amounts due from an employing unit for contributions, payments in lieu of contributions, penalties, or interest be paid by an electronic funds transfer, including amounts paid on behalf of an employing unit by an entity representing the employing unit. The regulation shall not apply to an employing unit until the Director notifies the employing unit of the regulation. Except as otherwise provided in this Section, where the employing unit, within 30 days of the date of service of the notice sent pursuant to this amendatory Act of the 98th General Assembly, notifies the Director that it declines to pay by electronic funds transfer, the regulation shall not apply to the employing unit. Except as otherwise provided in this Section, where the employing unit, within 30 days of the date of service of a notice sent pursuant to Section 1509 of this Act, notifies the Director that it declines to pay by electronic funds transfer, the regulation shall not apply to the employing unit with respect to any payment due after the date the employing unit so notifies the Director. The Director is authorized to provide by regulation reasonable penalties for employing units that are subject to and fail to comply with such a regulation. Any employing unit that is not subject to the regulation may elect to become subject to the regulation by paying amounts due for contributions, payments in lieu of contributions, penalties, or interest by an electronic funds transfer. Notwithstanding any other provision to the contrary, in the case of an entity representing 5 or more employing units, neither the entity nor the employing units (for as long as they are represented by that entity) shall have the option to decline to pay by electronic funds transfer.

(Source: P.A. 94-723, eff. 1-19-06.)

(820 ILCS 405/1510) (from Ch. 48, par. 580)

Sec. 1510. Service of notice. Whenever service of notice is required by Sections 1400, 1508, and 1509, such notice may be given and be complete by depositing the same with the United States Mail, addressed to the employer at his last known address. If represented by counsel in the proceedings before the Director, then service of notice may be made upon such employer by mailing same to such counsel.

If agreed to by the person or entity entitled to notice, notice may be given and completed electronically, in the manner prescribed by rule, by posting the notice on a secure web site accessible to the person or entity and sending notice of the posting to the last known e-mail address of the person or entity.

(Source: P.A. 97-621, eff. 11-18-11.)

(820 ILCS 405/1801.1)

Sec. 1801.1. Directory of New Hires.

A. The Director shall establish and operate an automated directory of newly hired employees which shall be known as the "Illinois Directory of New Hires" which shall contain the information required to be reported by employers to the Department under subsection B. In the administration of the Directory, the Director shall comply with any requirements concerning the Employer New Hire Reporting Program established by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Director is authorized to use the information contained in the Directory of New Hires to administer any of the provisions of this Act.

B. Each employer in Illinois, except a department, agency, or instrumentality of the United States, shall file with the Department a report in accordance with rules adopted by the Department (but in any event not later than 20 days after the date the employer hires the employee or, in the case of an employer transmitting reports magnetically or electronically, by 2 monthly transmissions, if necessary, not less than 12 days nor more than 16 days apart) providing the following information concerning each newly hired employee: the employee's name, address, and social security number, the date services for remuneration were first performed by the employee, ~~the employee's projected monthly wages,~~ and the employer's name, address, Federal Employer Identification Number assigned under Section 6109 of the Internal Revenue Code of 1986, and such other information as may be required by federal law or regulation, provided that each employer may voluntarily file the address to which the employer wants income withholding orders to be mailed, if it is different from the address given on the Federal Employer Identification Number. An employer in Illinois which transmits its reports electronically or magnetically and which also has employees in another state may report all newly hired employees to a single designated state in which the employer has employees if it has so notified the Secretary of the United States Department of Health and Human Services in writing. An employer may, at its option, submit information regarding any rehired employee in the same manner as information is submitted regarding a newly hired employee. Each report required under this subsection shall, to the extent practicable, be made on an Internal Revenue Service Form W-4 or, at the option of the employer, an equivalent form, and may be transmitted by first class mail, by telefax, magnetically, or electronically.

C. An employer which knowingly fails to comply with the reporting requirements established by this Section shall be subject to a civil penalty of \$15 for each individual whom it fails to report. An employer shall be considered to have knowingly failed to comply with the reporting requirements established by this Section with respect to an individual if the employer has been notified by the Department that it has failed to report an individual, and it fails, without reasonable cause, to supply the required information to the Department within 21 days after the date of mailing of the notice. Any individual who knowingly conspires with the newly hired employee to cause the employer to fail to report the information required by this Section or who knowingly conspires with the newly hired employee to cause the employer to file a false or incomplete report shall be guilty of a Class B misdemeanor with a fine not to exceed \$500 with respect to each employee with whom the individual so conspires.

D. As used in this Section, "newly hired employee" means an individual who (i) is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 and (ii) either has not previously been employed by the employer or was previously employed by the employer but has been separated from that prior employment for at least 60 consecutive days; however, "newly hired employee" does not include an employee of a federal or State agency performing intelligence or counterintelligence functions, if the head of that agency has determined that the filing of the report required by this Section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Notwithstanding Section 205, and for the purposes of this Section only, the term "employer" has the meaning given by Section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and labor organization as defined by Section 2(5) of the National Labor Relations Act, and includes any entity (also known as a hiring hall) which is used by the organization and an employer to carry out the requirements described in Section 8(f)(3) of that Act of an agreement between the organization and the employer.

(Source: P.A. 97-621, eff. 11-18-11; 97-689, eff. 6-14-12; 97-791, eff. 1-1-13; revised 7-23-12.)

(820 ILCS 405/2208.1 new)

Sec. 2208.1. Return receipts. Whenever any provision of this Act requires service by certified or



registered mail, either a paper return receipt issued by the United States Postal Service or an electronic return receipt issued by the United States Postal Service shall constitute proof of service.

(820 ILCS 405/2401) (from Ch. 48, par. 721)

Sec. 2401. Recording and release of lien. A. The lien created by Section 2400 shall be invalid only as to any innocent purchaser for value of stock in trade of any employer in the usual course of such employer's business, and shall be invalid as to any innocent purchaser for value of any of the other assets to which such lien has attached, unless notice thereof has been filed by the Director in the office of the recorder of the county within which the property subject to the lien is situated. The Director may, in his discretion, for good cause shown and upon the reimbursement of any recording fees paid by the Director with respect to the lien, issue a certificate of withdrawal of notice of lien filed against any employer, which certificate shall be recorded in the same manner as herein provided for the recording of notice of liens. Such withdrawal of notice of lien shall invalidate such lien as against any person acquiring any of such employer's property or any interest therein, subsequent to the re-recording of the withdrawal of notice of lien, but shall not otherwise affect the validity of such lien, nor shall it prevent the Director from re-recording notice of such lien. In the event notice of such lien is re-recorded, such notice shall be effective as against third persons only as of the date of such re-recording.

B. The recorder of each county shall procure at the expense of the county a file labeled "Unemployment Compensation Contribution Lien Notice" and an index book labeled "Unemployment Compensation Contribution Lien Index." When a notice of any such lien is presented to him for filing, he shall file it in numerical order in the file and shall enter it alphabetically in the index. The entry shall show the name and last known business address of the employer named in the notice, the serial number of the notice, the date and hour of filing, and the amount of contribution, interest and penalty thereon due and unpaid. When a certificate of complete or partial release of such lien issued by the Director is presented for filing in the office of the recorder where a notice of lien was filed, the recorder shall permanently attach the certificate of release to the notice of lien and shall enter the certificate of release and the date in the Unemployment Compensation Contribution Lien Index on the line where the notice of lien is entered. In case title to land to be affected by the Notice of Lien is registered under the provisions of "An Act Concerning Land Titles", approved May 1, 1897, as amended, such notice shall be filed in the office of the Registrar of Titles of the county within which the property subject to the lien is situated and shall be entered upon the register of titles as a memorial or charge upon each folium of the register of title affected by such notice, and the Director shall not have a preference over the rights of any bona fide purchaser, mortgagee, judgment creditor or other lien holder arising prior to the registration of such notice.

C. The Director shall have the power to issue a certificate of partial release of any part of the property subject to the lien, upon the reimbursement of any recording fees paid by the Director with respect to the lien, if he shall find that the fair market value of that part of such property remaining subject to the lien is at least equal to the amount of all prior liens upon such property plus double the amount of the liability for contributions, interest and penalties thereon remaining unsatisfied.

D. Where the amount of or the liability for the payment of any contribution, interest or penalty is contested by any employing unit against whose property a lien has attached, and the determination of the Director with reference to such contribution has not become final, the Director may issue a certificate of release of lien upon the reimbursement of any recording fees paid by the Director with respect to the lien and the furnishing of bond by such employing unit in 125% the amount of the sum of such contribution, interest and penalty, for which lien is claimed, with good and sufficient surety to be approved by the Director conditioned upon the prompt payment of such contribution, together with interest and penalty thereon, by such employing unit to the Director immediately upon the decision of the Director in respect to the liability for such contribution, interest and penalty becoming final.

E. When a lien obtained pursuant to this Act has been satisfied and upon the reimbursement of any recording fees paid by the Director with respect to the lien, the Department shall issue a release to the person, or his agent, against whom the lien was obtained and such release shall contain in legible letters a statement as follows:

FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL  
BE FILED WITH THE RECORDER OR THE REGISTRAR  
OF TITLES, IN WHOSE OFFICE, THE LIEN WAS FILED.

(Source: P.A. 83-358.)

(820 ILCS 405/2800) (from Ch. 48, par. 780)

Sec. 2800. Violations and penalties.

A. It shall be unlawful for any person or employing unit to--

1. Make a false statement or representation or fail to disclose a material fact:

a. To obtain, or increase, or prevent, or reduce any benefit or payment under the provisions of this Act, or under the unemployment compensation law of any State or the Federal Government, either for himself or for any other person; or

b. To avoid or reduce any contribution or other payment required from an employing unit under this Act.

2. Fail to pay a contribution due under the provisions of this Act.

3. Fail to furnish any report, audit, or information duly required by the Director under this Act.

4. Refuse to allow the Director or his duly authorized representative to inspect or copy the pay roll or other records or documents relative to the enforcement of this Act or required by this Act.

5. Make any deduction from the wages of any individual in its employ because of its liability for the payment of contributions required by this Act.

6. Knowingly fail to furnish to any individual in its employ any notice, report, or information duly required under the provisions of this Act or the rules or regulations of the Director.

7. Attempt to induce any individual, directly or indirectly (by promise of re-employment or by threat not to employ or not to re-employ or by any other means), to refrain from claiming or accepting benefits or to waive any other rights under this Act; or to maintain a rehiring policy which discriminates against former individuals in its employ by reason of their having claimed benefits.

8. Pay contributions upon wages for services not rendered for such employing unit if the purpose of such payment is either to reduce the amount of contributions due or to become due from any employing unit or to affect the benefit rights of any individual.

9. Solicit, or aid or abet the solicitation of, information from any individual concerning his place of employment, residence, assets or earnings, by any means which are intended to mislead such individual to believe that the person or employing unit seeking such information is the Department or one of its Divisions or branches, or a representative thereof.

B. Any employing unit or person who willfully violates any provision of this Section or any other provision of this Act or any rule or regulation promulgated thereunder, or does any act prohibited by this Act, or who fails, neglects, or refuses to perform any duty required by any provision of this Act or rule or regulation of the Director, within the time prescribed by the Director, for which no penalty has been specifically provided, or who fails, neglects, or refuses to obey any lawful order given or made by the Director, shall be guilty of a Class B misdemeanor, and each such act, failure, neglect, or refusal shall constitute a separate and distinct offense. An employing unit's or person's willful filing of a fraudulent quarterly wage report shall constitute a Class 4 felony if the amount of contributions owed with respect to the quarter is less than \$300 and a Class 3 felony if the amount of contributions owed with respect to the quarter is \$300 or more. An employing unit's or person's willful failure to honor a subpoena issued by the Department shall constitute a Class 4 felony. If a such person or employing unit described in this Section is a corporation, the president, the secretary, and the treasurer, and any other officer exercising corresponding functions, shall each be subject to the aforesaid penalties for the violation of any provisions of this Section of which he or they had or, in the exercise of his or their duties, ought to have had knowledge, not including the provisions regarding the filing of a fraudulent quarterly wage report or the willful failure to honor a subpoena.

(Source: P.A. 77-2439.)

(820 ILCS 405/1704 rep.) (820 ILCS 405/2105 rep.)

Section 20. The Unemployment Insurance Act is amended by repealing Sections 1704 and 2105.

Section 99. Effective date. This Act takes effect upon becoming law, except that the provisions amending Section 2401 of the Unemployment Insurance Act take effect July 1, 2014."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Koehler, **House Bill No. 3227** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

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

**AMENDMENT NO. 2 TO HOUSE BILL 3227**

AMENDMENT NO. 2. Amend House Bill 3227 by replacing everything after the enacting clause

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with the following:

"Section 5. The Personnel Code is amended by changing Section 4c as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(1) All officers elected by the people.

(2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, Attorney General, and State Board of Elections.

(3) Judges, and officers and employees of the courts, and notaries public.

(4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative Reference Bureau, the Legislative Research Unit, and the Legislative Printing Unit.

(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.

(6) All employees of the Governor at the executive mansion and on his immediate personal staff.

(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.

(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.

(9) All other employees except the presidents, other principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.

(10) The State Police so long as they are subject to the merit provisions of the State Police Act.

(11) (Blank).

(12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.

(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Illinois Workers' Compensation Commission.

(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.

(16) All employees of the St. Louis Metropolitan Area Airport Authority.

(17) All investment officers employed by the Illinois State Board of Investment.

(18) Employees of the Illinois Young Adult Conservation Corps program, administered by the Illinois Department of Natural Resources, authorized grantee under Title VIII of the Comprehensive Employment and Training Act of 1973, 29 USC 993.

(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.

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- (21) All hearing officers of the Human Rights Commission.
  - (22) All employees of the Illinois Mathematics and Science Academy.
  - (23) All employees of the Kankakee River Valley Area Airport Authority.
  - (24) The commissioners and employees of the Executive Ethics Commission.
  - (25) The Executive Inspectors General, including special Executive Inspectors General, and employees of each Office of an Executive Inspector General.
  - (26) The commissioners and employees of the Legislative Ethics Commission.
  - (27) The Legislative Inspector General, including special Legislative Inspectors General, and employees of the Office of the Legislative Inspector General.
  - (28) The Auditor General's Inspector General and employees of the Office of the Auditor General's Inspector General.
  - (29) All employees of the Illinois Power Agency.
  - (30) Employees having demonstrable, defined advanced skills in accounting, financial reporting, or technical expertise who are employed within executive branch agencies and whose duties are directly related to the submission to the Office of the Comptroller of financial information for the publication of the Comprehensive Annual Financial Report (CAFR).
  - (31) The employees of the Illinois Health Benefits Exchange.
- (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12.)

Section 10. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Healthcare and Family Services (formerly Department of Public Aid), Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

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The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities and Services Review Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

The Auditor General shall conduct a compliance audit in accordance with subsections (d) and (f) of Section 30 of the Innovation Development and Economy Act.

The Auditor General shall have the authority to conduct an audit of the Illinois Health Benefits Exchange. The audit may be a financial audit, a management audit, a program audit, or any combination thereof.

(Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09; 96-939, eff. 6-24-10.)

Section 15. The Comprehensive Health Insurance Plan Act is amended by adding Sections 16 and 17 as follows:

(215 ILCS 105/16 new)

Sec. 16. Cessation of operations. Notwithstanding any other provision of this Act, the insurance operations of the Plan authorized by this Act shall cease on January 1, 2014 in accordance with Section 5-30 of the Illinois Health Benefits Exchange Law. Plan coverage does not apply to service provided on or after January 1, 2014 in accordance with Section 5-30 of the Illinois Health Benefits Exchange Law.

(215 ILCS 105/17 new)

Sec. 17. Repealer. This Act is repealed on January 1, 2015.

Section 20. The Illinois Health Benefits Exchange Law is amended by changing Sections 5-3, 5-5, and 5-15 and by adding Sections 5-4, 5-6, 5-16, 5-17, 5-18, 5-21, 5-23, and 5-30 as follows:

(215 ILCS 122/5-3)

Sec. 5-3. Legislative intent. The General Assembly finds the health benefits exchanges authorized by the federal Patient Protection and Affordable Care Act represent one of a number of ways in which the State can address coverage gaps and provide individual consumers and small employers access to greater coverage options. The General Assembly also finds that the State is best positioned to implement an exchange that is sensitive to the coverage gaps and market landscape unique to this State.

The purpose of this Law is to provide for the establishment of an Illinois Health Benefits Exchange (the Exchange) to facilitate the purchase and sale of qualified health plans and qualified dental plans in the individual market in this State and to provide for the establishment of a Small Business Health Options Program (SHOP Exchange) to assist qualified small employers in this State in facilitating the enrollment of their employees in qualified health plans and qualified dental plans offered in the small group market. The intent of the Exchange is to supplement the existing health insurance market to simplify shopping for individual and small employers by increasing access to benefit options, encouraging a competitive market both inside and outside the Exchange, reducing the number of uninsured, and providing a transparent marketplace and effective consumer education and programmatic assistance tools. The purpose of this Law is to ensure that the State is making sufficient progress towards establishing an exchange within the guidelines outlined by the federal law and to protect Illinoisans from undue federal regulation. Although the federal law imposes a number of core requirements on state-level exchanges, the State has significant flexibility in the design and operation of a State exchange that make it prudent for the State to carefully analyze, plan, and prepare for the exchange. The General Assembly

finds that in order for the State to craft a tenable exchange that meets the fundamental goals outlined by the Patient Protection and Affordable Care Act of expanding access to affordable coverage and improving the quality of care, the implementation process should (1) provide for broad stakeholder representation; (2) foster a robust and competitive marketplace, both inside and outside of the exchange; and (3) provide for a broad-based approach to the fiscal solvency of the exchange.

(Source: P.A. 97-142, eff. 7-14-11.)

(215 ILCS 122/5-4 new)

Sec. 5-4. Definitions. In this Law:

"Board" means the Illinois Health Benefits Exchange Board established pursuant to this Law.

"Department" means the Department of Insurance.

"Director" means the Director of Insurance.

"Educated health care consumer" means an individual who is knowledgeable about the health care system, and has background or experience in making informed decisions regarding health, medical, and public health matters.

"Essential health benefits" has the meaning provided under Section 1302(b) of the Federal Act.

"Exchange" means the Illinois Health Benefits Exchange established by this Law and includes the Individual Exchange and the SHOP Exchange, unless otherwise specified.

"Executive Director" means the Executive Director of the Illinois Health Benefits Exchange.

"Federal Act" means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under, those Acts.

"Health benefit plan" means a policy, contract, certificate, or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services.

"Health benefit plan" does not include:

(1) coverage for accident only or disability income insurance or any combination thereof;

(2) coverage issued as a supplement to liability insurance;

(3) liability insurance, including general liability insurance and automobile liability insurance;

(4) workers' compensation or similar insurance;

(5) automobile medical payment insurance;

(6) credit-only insurance;

(7) coverage for on-site medical clinics; or

(8) other similar insurance coverage, specified in federal regulations issued pursuant to the federal Health Information Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for health care services are secondary or incidental to other insurance benefits.

"Health benefit plan" does not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan:

(a) limited scope dental or vision benefits;

(b) benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; or

(c) other similar, limited benefits specified in federal regulations issued pursuant to Public Law 104-191.

"Health benefit plan" does not include the following benefits if the benefits are provided under a separate policy, certificate, or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor:

(i) coverage only for a specified disease or illness; or

(ii) hospital indemnity or other fixed indemnity insurance.

"Health benefit plan" does not include the following if offered as a separate policy, certificate, or contract of insurance:

(A) Medicare supplemental health insurance as defined under Section 1882(g)(1) of the federal Social Security Act;

(B) coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)); or

(C) similar supplemental coverage provided to coverage under a group health plan.

"Health benefit plan" does not include a group health plan or multiple employer welfare arrangement to the extent the plan or arrangement is not subject to State insurance regulation under Section 514 of the federal Employee Retirement Income Security Act of 1974.

"Health insurance carrier" or "carrier" means an entity subject to the insurance laws and regulations of

this State, or subject to the jurisdiction of the Director, that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, or any other entity providing a plan of health insurance, or health benefits. "Health insurance carrier" does not include short term, accident only, disability income, hospital confinement or fixed indemnity, vision only, limited benefit, or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance, or a Consumer Operated and Oriented Plan.

"Illinois Health Benefits Exchange Fund" means the fund created outside of the State treasury to be used exclusively to provide funding for the operation and administration of the Exchange in carrying out the purposes authorized by this Law.

"Individual Exchange" means the exchange marketplace established by this Law through which qualified individuals may obtain coverage through an individual market qualified health plan.

"Principal place of business" means the location in a state where an employer has its headquarters or significant place of business and where the persons with direction and control authority over the business are employed.

"Qualified dental plan" means a limited scope dental plan that has been certified in accordance with this Law.

"Qualified employee" means an eligible individual employed by a qualified employer who has been offered health insurance coverage by that qualified employer through the SHOP on the Exchange.

"Qualified employer" means a small employer that elects to make its full-time employees eligible for one or more qualified health plans or qualified dental plans offered through the SHOP Exchange, and at the option of the employer, some or all of its part-time employees, provided that the employer has its principal place of business in this State and elects to provide coverage through the SHOP Exchange to all of its eligible employees, wherever employed.

"Qualified health plan" or "QHP" means a health benefit plan that has in effect a certification that the plan meets the criteria for certification described in Section 1311(c) of the Federal Act.

"Qualified health plan issuer" or "QHP issuer" means a health insurance issuer that offers a health plan that the Exchange has certified as a qualified health plan.

"Qualified individual" means an individual, including a minor, who:

(1) is seeking to enroll in a qualified health plan or qualified dental plan offered to individuals through the Exchange;

(2) resides in this State;

(3) at the time of enrollment, is not incarcerated, other than incarceration pending the disposition of charges; and

(4) is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen or national of the United States or an alien lawfully present in the United States.

"Secretary" means the Secretary of the federal Department of Health and Human Services.

"SHOP Exchange" means the Small Business Health Options Program established under this Law through which a qualified employer can provide small group qualified health plans to its qualified employees through various options available to the employer, including, but not limited to: (a) offering one qualified health plan to employees, (b) offering multiple qualified health plans to employees, or (c) offering an employee-directed choice of a qualified health plan within an employer-selected coverage tier.

"Small employer" means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees before January 1, 2016 and no more than 100 employees on and after January 1, 2016 on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. For purposes of this definition:

(a) all persons treated as a single employer under subsection (b), (c), (m) or (o) of Section 414 of the federal Internal Revenue Code of 1986 shall be treated as a single employer;

(b) an employer and any predecessor employer shall be treated as a single employer;

(c) employees shall be counted in accordance with federal law and regulations and State law and regulations; provided however, that in the event of a conflict between the federal law and regulations and the State law and regulations, the federal law and regulations shall prevail;

(d) if an employer was not in existence throughout the preceding calendar year, then the determination of whether that employer is a small employer shall be based on the average number of employees that is reasonably expected that employer will employ on business days in the current

calendar year; and

(e) an employer that makes enrollment in qualified health plans or qualified dental plans available to its employees through the SHOP Exchange, and would cease to be a small employer by reason of an increase in the number of its employees, shall continue to be treated as a small employer for purposes of this Law as long as it continuously makes enrollment through the SHOP Exchange available to its employees.

(215 ILCS 122/5-5)

Sec. 5-5. Establishment of the Exchange State health benefits exchange.

(a) It is declared that this State, beginning on the effective date of this amendatory Act of the 98th General Assembly October 1, 2013, in accordance with Section 1311 of the federal Patient Protection and Affordable Care Act, shall establish a State health benefits exchange to be known as the Illinois Health Benefits Exchange in order to help individuals and small employers with no more than 50 employees shop for, select, and enroll in qualified, affordable private health plans that fit their needs at competitive prices. The Exchange shall separate coverage pools for individuals and small employers and shall supplement and not supplant any existing private health insurance market for individuals and small employers. These health plans shall be available to individuals and small employers for enrollment by October 1, 2014.

(b) There is hereby created a political subdivision, body politic and corporate, named the Illinois Health Benefits Exchange. The Exchange shall be a public entity, but shall not be considered a department, institution, or agency of the State.

(c) The Exchange shall be comprised of an individual and a small business health options (SHOP) exchange. Pursuant to Section 1311(b)(2) of the Federal Act, the Exchange shall provide individual exchange services to qualified individuals and SHOP Exchange services to qualified employers under a single governance and administrative structure. The Board shall produce an assessment, which must include a premium impact study, by July 1, 2016 to determine the viability of merging the SHOP Exchange and Individual Exchange functions into a single exchange by January 1, 2017. Any recommended merger of the SHOP Exchange and Individual Exchange functions shall be subject to legislative approval.

(d) The Exchange shall promote a competitive marketplace for consumer access to affordable health coverage options. The Department shall review and recommend that the Board certify health benefit plans on the individual and SHOP Exchange, as applicable, provided that any such health benefit plan meets the requirements set forth in Section 1311(c) of the Federal Act and any other requirements of the Illinois Insurance Code. The Board shall certify health benefit plans that the Department recommends for certification.

(e) The Exchange shall not supersede the provisions of the Illinois Insurance Code, nor the functions of the Department of Insurance, the Department of Healthcare and Family Services, or the Department of Public Health.

(Source: P.A. 97-142, eff. 7-14-11.)

(215 ILCS 122/5-6 new)

Sec. 5-6. Health benefit plan certification.

(a) To be certified as a qualified health plan, a health benefit plan shall, at a minimum:

(1) provide the essential health benefits package described in Section 1302(a) of the Federal Act; except that the plan is not required to provide essential benefits that duplicate the minimum benefits of qualified dental plans, as provided in subsection (e) of this Section if:

(A) the Board, in cooperation with the Department, has determined that at least one qualified dental plan is available to supplement the plan's coverage; and

(B) the health carrier makes prominent disclosure at the time it offers the plan, in a form approved by the Board, that the plan does not provide the full range of essential pediatric dental benefits and that qualified dental plans providing those benefits and other dental benefits not covered by the plan are offered through the Exchange;

(2) fulfill all premium rate and contract filing requirements and ensure that no contract language has been disapproved by the Director;

(3) provide at least the minimum level of coverage prescribed by the Federal Act;

(4) ensure that the cost-sharing requirements of the plan do not exceed the limits established under Section 1302(c)(1) of the Federal Act, and if the plan is offered through the SHOP Exchange, the plan's deductible does not exceed the limits established under Section 1302(c)(2) of the Federal Act;

(5) be offered by a health carrier that:

(A) is authorized and in good standing to offer health insurance coverage;

(B) offers at least one qualified health plan at the silver level and at least one plan at the gold



level, as described in the Federal Act, through each component of the Board in which the health carrier participates; for the purposes of this subparagraph (B), "component" means the SHOP Exchange and the exchange for individual coverage within the American Health Benefit Exchange;

(C) charges the same premium rate for each qualified health plan without regard to whether the plan is offered through the Exchange and without regard to whether the plan is offered directly from the health carrier or through an insurance producer;

(D) does not charge any cancellation fees or penalties; and

(E) complies with the regulations established by the Secretary under Section 1311 (d) of the Federal Act and any other requirements of the Illinois Insurance Code and the Department;

(6) meet the requirements of certification pursuant to the requirements of the Department and the Illinois Insurance Code provided in this Law and the requirements issued by the Secretary under Section 1311(c) of the Federal Act and rules promulgated or adopted pursuant to this Law or the Federal Act, which shall include:

(A) minimum standards in the areas of marketing practices;

(B) network adequacy;

(C) essential community providers in underserved areas;

(D) accreditation;

(E) quality improvement;

(F) uniform enrollment forms and descriptions of coverage; and

(G) information on quality measures for health benefit plan performance; and

(7) include outpatient clinics in the health plan's region that are controlled by an entity that also controls a 340B eligible provider as defined by Section 340B(a)(4) of the federal Public Health Service Act such that the outpatient clinics are subject to the same mission, policies, and medical standards related to the provision of health care services as the 340B eligible provider.

(b) The Department shall require each health carrier seeking certification of a plan as a qualified health plan to:

(1) make available to the public, in plain language as defined in Section 1311(e)(3)(B) of the Federal Act, and submit to the Board, the Secretary, and the Department accurate and timely disclosure of the following:

(i) claims payment policies and practices;

(ii) periodic financial disclosures;

(iii) data on enrollment;

(iv) data on disenrollment;

(v) data on the number of claims that are denied;

(vi) data on rating practices;

(vii) information on cost-sharing and payments with respect to any out-of-network coverage;

(viii) information on enrollee and participant rights under Title I of the Federal Act; and

(ix) other information as determined appropriate by the Secretary, including, but not limited to, accredited clinical quality measures; and

(2) permit individuals to learn, in a timely manner upon the request of the individual, the comparative quality standards of the plans along established clinical data-based standards and the amount of cost-sharing, including deductibles, copayments, and coinsurance, under the individual's plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider and make this information available to the individual through an Internet website that is publicly accessible and through other means for individuals without access to the Internet.

(c) The Department shall not exempt any health carrier seeking certification as a qualified health plan, regardless of the type or size of the health carrier, from licensure or solvency requirements and shall apply the criteria of this Section in a manner that ensures a level playing field between or among health carriers participating in the Exchange.

(d) The provisions of this Law that are applicable to qualified health plans shall also apply, to the extent relevant, to qualified dental plans, except as modified in accordance with the provisions of paragraphs (1), (2), and (3) of this subsection (d) or by rules adopted by the Board.

(1) The health carrier shall be licensed to offer dental coverage, but need not be licensed to offer other health benefits.

(2) The plan shall be limited to dental and oral health benefits, without substantially duplicating the benefits typically offered by health benefit plans without dental coverage and shall include, at a minimum, the essential pediatric dental benefits prescribed by the Secretary pursuant to Section 1302(b)(1)(J) of the Federal Act and such other dental benefits as the Board or the Secretary may specify

by rule.

(3) Health carriers may jointly offer a comprehensive plan through the Exchange in which the dental benefits are provided by a health carrier through a qualified dental plan and the other benefits are provided by a health carrier through a qualified health plan, provided that the plans are priced separately and are also made available for purchase separately at the same price.

(215 ILCS 122/5-15)

Sec. 5-15. Illinois Health Benefits Exchange Legislative Oversight Study Committee.

(a) There is created an Illinois Health Benefits Exchange Legislative Oversight Study Committee within the Commission on Government Forecasting and Accountability to provide accountability for conduct a study regarding State implementation and establishment of the Illinois Health Benefits Exchange and to ensure Exchange operations and functions align with the goals and duties outlined by this Law. The Committee shall also be responsible for providing policy recommendations to ensure the Exchange aligns with the Federal Act, amendments to the Federal Act, and regulations promulgated pursuant to the Federal Act.

(b) Members of the Legislative Oversight Study Committee shall be appointed as follows: 3 members of the Senate shall be appointed by the President of the Senate; 3 members of the Senate shall be appointed by the Minority Leader of the Senate; 3 members of the House of Representatives shall be appointed by the Speaker of the House of Representatives; and 3 members of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives. Each legislative leader shall select one member to serve as co-chair of the committee.

(e) Members of the Legislative Oversight Study Committee shall be appointed no later than June 1, 2013 within 30 days after the effective date of this Law. The co-chairs shall convene the first meeting of the committee no later than 45 days after the effective date of this Law.

(Source: P.A. 97-142, eff. 7-14-11.)

(215 ILCS 122/5-16 new)

Sec. 5-16. Exchange governance. The governing and administrative powers of the Exchange shall be vested in a body known as the Illinois Health Benefits Exchange Board. The following provisions shall apply:

(1) The Board shall consist of 11 voting members appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. In addition, the Director of Healthcare and Family Services, and the Executive Director of the Exchange shall serve as non-voting, ex-officio members of the Board. The Governor shall also appoint as non-voting, ex-officio members one economist with experience in the health care markets and one educated health care consumer advocate. All Board members shall be appointed no later than January 1, 2014.

(2) The Governor shall make the appointments so as to reflect no less than proportional representation of the geographic, gender, cultural, racial, and ethnic composition of this State and in accordance with subparagraphs (A), (B), and (C) of this paragraph, as follows:

(A) No more than 4 voting members may represent the following interests, of which no more than 2 may represent any one interest:

- (1) the insurance industry;
- (2) health care administrators; and
- (3) licensed health care professionals.

(B) At least 7 voting members shall represent the following interest groups, with each interest group represented by at least one voting member:

- (1) a labor interest group;
- (2) a women's interest group;
- (3) a minorities' interest group;
- (4) a disabled persons' interest group;
- (5) a small business interest group; and
- (6) a public health interest group.

(C) Each person appointed to the Board should have demonstrated experience in at least one of the following areas:

- (1) individual health insurance coverage;
- (2) small employer health insurance;
- (3) health benefits administration;
- (4) health care finance;
- (5) administration of a public or private health care delivery system;
- (6) the provision of health care services;
- (7) the purchase of health insurance coverage;

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- (8) health care consumer navigation or assistance;
- (9) health care economics or health care actuarial sciences;
- (10) information technology; or
- (11) starting a small business with 50 or fewer employees.

(3) The Board shall elect one voting member of the Board to serve as chairperson and one voting member to serve as vice-chairperson, upon approval of a majority of the Board.

(4) The Exchange shall be administered by an Executive Director, who shall be appointed, and may be removed, by a majority of the Board. The Board shall have the power to determine compensation for the Executive Director.

(5) The terms of the non-voting, ex-officio members of the Board shall run concurrent with their terms of appointment to office, or in the case of the Executive Director, his or her term of appointment to that position, subject to the determination of the Board. The terms of the members, including those non-voting, ex-officio members appointed by the Governor, shall be 4 years. Upon conclusion of the initial term, the next term and every term subsequent to it shall run for 3 years. Voting members shall serve no more than 3 consecutive terms.

A person appointed to fill a vacancy and complete the unexpired term of a member of the Board shall only be appointed to serve out the unexpired term by the individual who made the original appointment within 45 days after the initial vacancy. A person appointed to fill a vacancy and complete the unexpired term of a member of the Board may be re-appointed to the Board for another term, but shall not serve than more than 2 consecutive terms following their completion of the unexpired term of a member of the Board.

If a voting Board member's qualifications change due to a change in employment during the term of their appointment, then the Board member shall resign their position, subject to reappointment by the individual who made the original appointment.

(6) The Board shall, as necessary, create and appoint qualified persons with requisite expertise to Exchange technical advisory groups. These Exchange technical advisory groups shall meet in a manner and frequency determined by the Board to discuss exchange-related issues and to provide exchange-related guidance, advice, and recommendations to the Board and the Exchange. There shall be at a minimum, 6 technical advisory groups, including the following:

- (1) an insurer advisory group;
- (2) a business advisory group;
- (3) a consumer advisory group;
- (4) a provider advisory group;
- (5) an insurance producer advisory group; and
- (6) a dentist advisory group.

(7) The Board shall meet no less than quarterly on a schedule established by the chairperson. Meetings shall be public and public records shall be maintained, subject to the Open Meetings Act. A majority of the Board shall constitute a quorum and the affirmative vote of a majority is necessary for any action of the Board. No vacancy shall impair the ability of the Board to act provided a quorum is reached. Members shall serve without pay, but shall be reimbursed for their actual and reasonable expenses incurred in the performance of their duties. The chairperson of the Board shall file a written report regarding the activities of the Board and the Exchange to the Governor and General Assembly annually, and the Legislative Oversight Committee established in Section 5-15 quarterly, beginning on September 1, 2013 through December 31, 2014.

(8) The Board shall adopt conflict of interest rules and recusal procedures. Such rules and procedures shall (i) prohibit a member of the Board from performing an official act that may have a direct economic benefit on a business or other endeavor in which that member has a direct or substantial financial interest and (ii) require a member of the Board to recuse himself or herself from an official matter, whether direct or indirect. All recusals must be in writing and specify the reason and date of the recusal. All recusals shall be maintained by the Executive Director and shall be disclosed to any person upon written request.

(9) The Board shall develop a budget, to be submitted to the General Assembly along with the Governor's annual budget proposal and approved by the General Assembly, for the implementation and operation of the Exchange for operating expenses, including, but not limited to:

(A) proposed compensation levels for the Executive Director and shall identify personnel and staffing needs for the implementation and operation of the Exchange;

(B) disclosure of funds received or expected to be received from the federal government for the infrastructure and systems of the Exchange and those funds received or expected to be received for program administration and operations;

(C) delineation of those functions of the Exchange that are to be paid by State and federal programs that are allocable to the State's General Revenue Fund; and

(D) beginning January 1, 2015, insurer assessments contingent upon the use of federal funds for the first year of operation of the Exchange and upon the review and recommendations of the Commission on Government Forecasting and Accountability.

(10) The Board shall, in consultation with the Health Benefits Exchange Legislative Oversight Committee, produce a cost-benefit analysis of the State's essential health benefits no later than August 1, 2015 for the purposes of informing the U.S. Department of Health and Human Services in their re-evaluation of the essential health benefits for plan years 2016 and beyond.

(11) The purpose of the Board shall be to implement the Exchange in accordance with this Section and shall be authorized to establish procedures for the operation of the Exchange, subject to legislative approval.

(215 ILCS 122/5-17 new)

Sec. 5-17. Insurer's assessment. Every carrier licensed to issue, and that issues for delivery, policies of accident and health insurance in this State shall be assessed. An insurer's assessment shall be determined by multiplying the total assessment, as determined in this Section, by a fraction, the numerator of which equals that insurer's direct Illinois premiums, excluding those premiums from limited lines policies and supplemental insurance policies, during the preceding calendar year and the denominator of which equals the total of all insurers' direct Illinois premiums, excluding those premiums from limited lines policies and supplemental insurance policies. The Board may exempt those insurers whose share as determined under this Section would be so minimal as to not exceed the estimated cost of levying the assessment. The Board shall charge and collect from each insurer the amounts determined to be due under this Section. The assessment shall be billed by Board invoice based upon the insurer's direct Illinois premium income, excluding premium income from limited lines policies and supplemental insurance policies, as shown in its annual statement for the preceding calendar year as filed with the Director. The invoice shall be due upon receipt and must be paid no later than 30 days after receipt by the insurer.

When a carrier fails to pay the full amount of any assessment of \$100 or more due under this Section there shall be added to the amount due as a penalty the greater of \$50 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid. All moneys collected by the Board shall be placed in the Illinois Health Benefits Exchange Fund.

Insurers shall be assessed only an amount not exceeding the General Assembly's approved Board budget. No assessment shall be made on insurers while assessments are being made pursuant to Section 12 of the Comprehensive Health Insurance Plan Act. The assessment shall also take into consideration any unspent federal funds remaining and shall be reduced accordingly.

The Board shall prepare annually a complete and detailed written report accounting for all funds received and dispensed during the preceding fiscal year.

(215 ILCS 122/5-18 new)

Sec. 5-18. Illinois Health Benefits Exchange Fund. There is hereby created as a fund outside of the State treasury the Illinois Health Benefits Exchange Fund to be used, subject to appropriation, exclusively by the Exchange to provide funding for the operation and administration of the Exchange in carrying out the purposes authorized in this Law.

(215 ILCS 122/5-21 new)

Sec. 5-21. Enrollment through brokers and agents; producer compensation.

(a) In accordance with Section 1312(e) of the Federal Act, the Exchange shall allow licensed insurance producers to (1) enroll qualified individuals in any qualified health plan, for which the individual is eligible, in the individual exchange, (2) assist qualified individuals in applying for premium tax credits and cost-sharing reductions for qualified health plans purchased through the individual exchange, and (3) enroll qualified employers in any qualified health plan, for which the employer is eligible, offered through the SHOP exchange. Nothing in this subsection (a) shall be construed as to require a qualified individual or qualified employer to utilize a licensed insurance producer for any of the purposes outlined in this subsection (a).

(b) In order to enroll individuals and small employers in qualified health plans on the Exchange, licensed producers must complete a certification program. The Department of Insurance may develop and implement a certification program for licensed insurance producers who enroll individuals and employers in the exchange. The Department of Insurance may charge a reasonable fee, by regulation, to producers for the certification program. The Department of Insurance may approve certification programs developed and instructed by others, charging a reasonable fee, by regulation, for approval.

(c) The Exchange shall include on its Internet website a producer locator section, featured

prominently, through which individuals and small employers can find exchange-certified producers.

(d) The Exchange shall take no role in developing or determining the manner or amount of compensation producers receive from qualified health plans for individuals or employers enrolled in health plans through the Exchange.

(215 ILCS 122/5-23 new)

Sec. 5-23. Examination or investigation of the Exchange. The Director shall have the ability to examine or investigate the Exchange pursuant to his or her authority under Article XXIV of the Illinois Insurance Code.

(215 ILCS 122/5-30 new)

Sec. 5-30. Dissolution of Comprehensive Health Insurance Plan.

(a) Except as otherwise provided in this Section, the insurance operations of the Comprehensive Health Insurance Plan authorized by the Comprehensive Health Insurance Plan Act shall cease on January 1, 2014. As used in this Section, "Plan" means the Comprehensive Health Insurance plan.

(b) Coverage under the Plan does not apply to service provided on or after January 1, 2014.

(c) A claim for payment under the Plan must be submitted within 180 days after January 1, 2014 and paid within 60 days after receipt.

(d) Any grievance shall be resolved by the Plan Board not later than 360 days after January 1, 2014. In this Section, "Plan Board" means the Illinois Comprehensive Health Insurance Board.

(e) The Plan Board shall, not later than June 30, 2013, submit to the Director of Insurance a plan of dissolution, which must provide for, but not be limited to, the following:

(1) Continuity of care for an individual who is covered under the Plan and is an inpatient on January 1, 2014.

(2) A final accounting of assessments.

(3) Resolution of any net asset deficiency.

(4) Cessation of all liability of the Plan.

(5) Final dissolution of the Plan.

(f) The plan of dissolution may provide that, with the approval of the Plan Board and the Director, a power or duty of the association may be delegated to a person that is to perform functions similar to the functions of the Plan.

(g) The Director shall, after notice and hearing, approve a plan of dissolution submitted under subsection (e) of this Section if the Director determines that the plan of dissolution is suitable to ensure the fair, reasonable, and equitable dissolution of the Plan and complies with subsection (e) of this Section. If the Director does not find that the plan of dissolution is suitable to ensure the fair, reasonable, and equitable dissolution of the Plan, he or she may by order require changes to the plan that cure the deficiencies identified in his or her findings.

(h) A plan of dissolution submitted under subsection (e) of this Section is effective upon the written approval of the Director.

(i) An action by or against the Plan must be filed not more than one year after January 1, 2014.

(j) General Revenue Fund funds remaining in the Plan on the date on which final dissolution of the Plan occurs must be transferred back into the General Revenue Fund.

(k) Insurer assessments remaining in the Plan on the date on which dissolution of the Plan occurs must be returned to insurers based on subsection e of Section 12 of the Comprehensive Health Insurance Plan Act.

(l) The Plan, or the person or entity to which the Plan delegates powers under subsection (f) of this Section, may implement this Section in accordance with the plan of dissolution approved by the Director under subsection (g) of this Section.

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

Senate Floor Amendment No. 3 was postponed in the Committee on Insurance.

Senate Floor Amendment Nos. 4 and 5 were held in the Committee on Insurance.

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

#### **JOINT ACTION MOTIONS FILED**

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

[May 21, 2013]

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1908  
Motion to Concur in House Amendment 2 to Senate Bill 2101

At the hour of 5:13 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 22, 2013, at 11:00 o'clock a.m.