



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-NINTH GENERAL ASSEMBLY**

**23RD LEGISLATIVE DAY**

**TUESDAY, MARCH 24, 2015**

**12:23 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**23rd Legislative Day**

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The Senate met pursuant to adjournment.  
Senator John M. Sullivan, Rushville, Illinois, presiding.  
Prayer by Pastor Larry Luster, Sr., Second Timothy Baptist Church, Springfield, Illinois.  
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Silverstein moved that reading and approval of the Journal of Thursday, March 19, 2015, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

2014 Educator Supply and Demand Report, submitted by the Illinois State Board of Education.

IDHS/DRS 2014 Vocational Rehabilitation Program Annual Report, submitted by the Department of Human Services, Department of Rehabilitation Services.

DCEO Report on Bilingual Employees, submitted by the Department of Commerce and Economic Opportunity.

Reporting Requirement of Public Act 98-1142 (Eavesdropping), submitted by the Richland County State's Attorney.

Fiscal Analysis of the Downstate Police & Downstate Fire Pension Funds in Illinois, 2015 Edition, submitted by the Commission on Government Forecasting and Accountability.

Illinois State Retirement Systems Financial Condition as of June 30, 2014, submitted by the Commission on Government Forecasting and Accountability.

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

### **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

March 24, 2015

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

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(a), I hereby establish the Senate Special Committee on Pension Investments. The Committee will be made up of eight total members with an equal number of members from each caucus.

This bipartisan Committee will review the State's various pension systems and investment policies.

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Pursuant to Senate Rule 3-2(b) and 3-3(a), I have appointed Senator Kwame Raoul and Senator Sue Rezin to co-chair the Special Committee. In addition, I have appointed the following members to this committee to represent the Democratic Caucus, effective immediately.

Senators: Clayborne, Martinez, and Hutchinson.

If you have any questions, please contact my Chief of Staff, Dave Gross, at 217-782-3920.

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

cc: Senate Minority Leader Christine Radogno

**MESSAGE FROM THE GOVERNOR**

OFFICE OF THE GOVERNOR  
CAPITOL BUILDING, 207 STATE HOUSE  
SPRINGFIELD, ILLINOIS 62706

**BRUCE RAUNER**  
GOVERNOR

March 20, 2015

To the Honorable  
Members of the Senate  
Ninety-Ninth General Assembly

Mr. President,

On March 3, 2015, appointment message 990021 nominating Stephen B. Schnorf to be a Member and Chair of the Liquor Control Commission was delivered to your Honorable Body. As of the date of this letter, it is my understanding that the Senate has not taken action on this nomination.

Please be advised that, the Appointment Message, for which concurrence in and confirmation of your Honorable Body was sought, is hereby withdrawn, effective at 4:00 PM on Wednesday, March 20, 2015.

Sincerely,  
s/Bruce Rauner  
Bruce Rauner  
Governor

cc: The Honorable Jesse White, Secretary of State

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 238**

Offered by Senator Nybo and all Senators:  
Mourns the death of Edith Laskero of Tampa, Florida.

**SENATE RESOLUTION NO. 239**

Offered by Senator Connelly and all Senators:  
Mourns the death of Verlyn "Swede" Roskam.

**SENATE RESOLUTION NO. 240**

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Offered by Senator Connelly and all Senators:  
Mourns the death of Donald R. Shaner of Wheaton.

**SENATE RESOLUTION NO. 241**

Offered by Senator Hunter and all Senators:  
Mourns the death of Bessie Lee Williams.

**SENATE RESOLUTION NO. 242**

Offered by Senator Koehler and all Senators:  
Mourns the death of V. Jane Thrush of Peoria.

**SENATE RESOLUTION NO. 243**

Offered by Senator Koehler and all Senators:  
Mourns the death of O. Charles "Char" Misener of East Peoria.

**SENATE RESOLUTION NO. 244**

Offered by Senator Harmon and all Senators:  
Mourns the death of Ronald J.P. Banks.

**SENATE RESOLUTION NO. 245**

Offered by Senator Harmon and all Senators:  
Mourns the death of Leo John Latz, Jr., of Elmhurst.

**SENATE RESOLUTION NO. 246**

Offered by Senator Harmon and all Senators:  
Mourns the death of Jill Poehlman.

**SENATE RESOLUTION NO. 247**

Offered by Senator Harmon and all Senators:  
Mourns the death of Kathleen Sullivan-Stewart of Oak Park.

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

Senator Mulroe offered the following Senate Resolution, which was referred to the Committee on Assignments:

**SENATE RESOLUTION NO. 248**

WHEREAS, Few people know of mitochondrial disease, yet every 30 minutes a child is born who will develop this disease by the age of 10; and

WHEREAS, There is no cure for mitochondrial disease; and

WHEREAS, Mitochondrial disease is often misdiagnosed; and

WHEREAS, Mitochondrial disease occurs when mitochondria inside of cells, which are responsible for creating more than 90% of the energy needed by the body to sustain life and support growth, fail to carry out their primary functions; and

WHEREAS, When mitochondria fail, less energy is generated within the cell; and

WHEREAS, If this process is repeated throughout the body, whole systems begin to fail, and the person's life is severely compromised; and

WHEREAS, The disease primarily affects children; and

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WHEREAS, Diseases of the mitochondria appear to cause the most damage to cells of the brain, heart, liver, skeletal muscles, kidneys, and the endocrine and respiratory systems; and

WHEREAS, Common symptoms include muscle weakness and pain, gastrointestinal disorders, poor growth, cardiac disease, liver disease, diabetes, respiratory problems, seizures, visual and hearing problems, and susceptibility to infection; and

WHEREAS, Because so little is known about the disease, there are only a few hospitals in the world that offer treatment, causing affected families to travel regularly or even relocate to receive treatment; and

WHEREAS, Mitochondrial disease is progressive, likely terminal, and requires a high level of care and extremely expensive medical treatment that often exceeds covered insurance benefits, creating great financial burdens on affected families; and

WHEREAS, The 3rd week of September is observed globally as Mitochondrial Disease Awareness Week; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate the 3rd week of September 2015 as Mitochondrial Disease Awareness Week in the State of Illinois; and be it further

RESOLVED, That suitable copies of this resolution be presented to the United Mitochondrial Disease Foundation (UMDF) and the Chicago Area Chapter of the UMDF.

Senator LaHood offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

#### **SENATE JOINT RESOLUTION NO. 19**

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the families of those who have perished overseas while serving our country; and

WHEREAS, The Gold Star is awarded by the United States Department of Defense to the immediate family of a fallen service member; the Gold Star has appeared on flags dating as far back as World War I, which families would hang in their windows to indicate that a loved one had been killed overseas; and

WHEREAS, The United States began observing Gold Star Mothers Day on the last Sunday of September in 1936; the Gold Star Wives was formed prior to the end of World War II; the Gold Star Lapel Button was established in August of 1947; and

WHEREAS, The nation recognizes the sacrifice that Gold Star family members make when a loved one dies in service to the nation; and

WHEREAS, The strength of the United States Army is its soldiers and the strength of the soldiers are their families; the Army recognizes that no one has given more for the nation than the families of the fallen; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the section of Route 6 as it passes through the Peoria city limits as the "Gold Star Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the name "Gold Star Families Memorial Highway"; and be it further

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RESOLVED, That suitable copies of this resolution be delivered to the Secretary of the Illinois Department of Transportation.

### INTRODUCTION OF BILL

**SENATE BILL NO. 2124.** Introduced by Senator Kotowski, a bill for AN ACT making appropriations.

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

### MESSAGE FROM THE HOUSE

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

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

### HOUSE JOINT RESOLUTION NO. 13

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who served our country and in doing so have gone above and beyond the call of duty to take part in truly heroic tasks; and

WHEREAS, Christian Frank Schilt was born March 19, 1895 in Richland County; he enlisted in the Marine Corps on June 23, 1917, and, as an enlisted man, he served at Ponta Delgada, in the Azores, with the 1st Marine Aeronautical Company, a seaplane squadron assigned to anti-submarine patrol during World War I; and

WHEREAS, Returning to the United States as a corporal, Christian Schilt entered flight training and was commissioned a second lieutenant on June 10, 1919; in October of that year, he began his first tour of expeditionary duty in Santo Domingo that was followed with an assignment at Port-au-Prince, Haiti the following August; in March of 1921, he was assigned to make an aerial survey and mosaic map of the coast line of the Dominican Republic; in November of 1926, he won second place in the Schneider International Seaplane Race at Norfolk flying a special Curtiss racer at a speed of 231.3 mph (372.2 km/h) over 7 laps of a triangular 50 km course; and

WHEREAS, In November of 1927, now 1st Lieutenant Schilt was ordered to Managua, Nicaragua, where he joined Observation Squadron 7-M; the political climate in Nicaragua had rapidly changed during the summer of 1927 when Augusto C. Sandino and his followers, the Sandinistas, revolted against Nicaragua's Chamorro government; and

WHEREAS, The Sandinistas established their base on the Honduran border of northern Nicaragua; in December of 1927, Sandino with 1,000 men ambushed an American Marine detachment of 175 men, killing 8 and wounding 30; the marines fell back to Quilali where the Sandinistas lay siege to the village; with little hope of a breakout, plans were made for an air rescue; the marines in Quilali built a make-shift airstrip by burning and leveling part of the town to expand Quilali's main street from 100 to 500 feet; Observation Squadron 7 modified an O-2U-1 Vought Corsair biplane with landing gear from a DeHavilland DH-4 for the expected hard landings; and

WHEREAS, As if oblivious to the cramped space he was entering, between January 6 and 8, 1928, Lt. Schilt took his Corsair on 10 trips into the embattled village, hauling in 1,400 pounds of medical supplies and evacuating 18 of the wounded Marines; since his O2U had no brakes, the marines on the ground stopped the biplane by grabbing the wings when it touched down; hostile fire on landings and take-offs, plus low-hanging clouds, mountains, and tricky air currents, added to the difficulty of the flights; he was

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awarded the Medal of Honor for his flying skill combined with personal courage during the rescue of the Quilali Marines; and

WHEREAS, Christian Schilt continued his military career serving in both World War II and Korea; during World War II, he participated in the Guadalcanal campaign, the consolidation of Southern Solomons, and the air defense of Peleliu and Okinawa earning the Legion of Merit with Combat "V", the Distinguished Flying Cross, the Bronze Star with Combat "V" and 4 Air Medals; in Korea, he commanded the 1st U.S. Marine Corps Aircraft Wing from July of 1951 to April of 1952 earning the U.S. Air Force Distinguished Service Medal and his fifth Air Medal; he retired from the Marine Corps on April 1, 1957 when he was promoted to full general; and

WHEREAS, General Schilt passed away on January 8, 1987 at age 91, in Norfolk, Virginia, and was buried with honors in Arlington National Cemetery; and

WHEREAS, On October 21, 2011, a new headquarters building at the Marine Corps Air Station at Cherry Point, North Carolina was named in honor of General Schilt as a constant reminder of the example he set; and

WHEREAS, It is highly fitting that the State of Illinois honor the memory and example set by Marine Aviator General Christian F. Schilt; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of U.S. Highway 50 from Illinois Route 130 East to Ste. Marie Road at Olney as the "Marine Aviator General Christian F. Schilt Memorial Highway"; and be it further

RESOLVED, That upon completion of any unfinished sections of highway, the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of General Christian F. Schilt, the Secretary of the Illinois Department of Transportation, and the Mayor of Olney.

Adopted by the House, March 12, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 13 was referred to the Committee on Assignments.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 95**, sponsored by Senator Connelly, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 198**, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1407**, sponsored by Senator Bennett, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1496**, sponsored by Senator LaHood, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1566**, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

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**House Bill No. 2483**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2628**, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2797**, sponsored by Senator Bertino-Tarrant, was taken up, read by title a first time and referred to the Committee on Assignments.

### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Connelly, **Senate Bill No. 29** having been printed, was taken up, read by title a second time.

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

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

#### AMENDMENT NO. 2 TO SENATE BILL 29

AMENDMENT NO. 2. Amend Senate Bill 29 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Right to Try Act.

Section 5. Findings. The General Assembly finds that the process of approval for investigational drugs, biological products, and devices in the United States often takes many years, and a patient with a terminal illness does not have the luxury of waiting until such drug, product, or device receives final approval from the United States Food and Drug Administration. As a result, the standards of the United States Food and Drug Administration for the use of investigational drugs, biological products, and devices may deny the benefits of potentially life-saving treatments to terminally ill patients. A patient with a terminal illness has a fundamental right to attempt to preserve his or her own life by accessing investigational drugs, biological products, and devices. Whether to use available investigational drugs, biological products, and devices is a decision that rightfully should be made by the patient with a terminal illness in consultation with his or her physician and is not a decision to be made by the government.

Section 10. Definitions. For the purposes of this Act:

"Accident and health insurer" has the meaning given to that term in Section 126.2 of the Illinois Insurance Code.

"Eligible patient" means a person who:

- (1) has a terminal illness;
- (2) has considered all other treatment options approved by the United States Food and Drug Administration;
- (3) has received a prescription or recommendation from his or her physician for an investigational drug, biological product, or device;
- (4) has given his or her informed consent in writing for the use of the investigational drug, biological product, or device or, if he or she is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given informed consent on his or her behalf; and
- (5) has documentation from his or her physician indicating that he or she has met the requirements of this Act.

"Investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed Phase I of a clinical trial, but has not been approved for general use by the United States Food and Drug Administration.

"Phase I of a clinical trial" means the stage of a clinical trial where an investigational drug, biological product, or device that has been tested in a small group for the first time to evaluate its safety, determine a safe dosage range, and identify side effects.

"Terminal illness" means a disease that, without life-sustaining measures, can reasonably be expected to result in death in 24 months or less.

Section 15. Availability of drugs, biological products, and devices.

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(a) A manufacturer of an investigational drug, biological product, or device may make available such drug, product, or device to eligible patients. Nothing in this Act shall be construed to require a manufacturer to make available any drug, product, or device.

(b) A manufacturer may:

(1) provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or

(2) require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

Section 20. Insurance coverage. An accident and health insurer may choose to provide coverage for the cost of an investigational drug, biological product, or device. Nothing in this Act shall be construed to require an accident and health insurer to provide coverage for the cost of any investigational drug, biological product, or device.

Section 80. The Nursing Home Care Act is amended by changing Section 2-104 as follows:  
(210 ILCS 45/2-104) (from Ch. 111 1/2, par. 4152-104)

Sec. 2-104. (a) A resident shall be permitted to retain the services of his own personal physician at his own expense or under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage. However, the facility is not liable for the negligence of any such personal physician. Every resident shall be permitted to obtain from his own physician or the physician attached to the facility complete and current information concerning his medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand. Every resident shall be permitted to participate in the planning of his total care and medical treatment to the extent that his condition permits. No resident shall be subjected to experimental research or treatment without first obtaining his informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review board appointed by the Director. The membership, operating procedures and review criteria for the institutional review board shall be prescribed under rules and regulations of the Department and shall comply with the requirements for institutional review boards established by the federal Food and Drug Administration. No person who has received compensation in the prior 3 years from an entity that manufactures, distributes, or sells pharmaceuticals, biologics, or medical devices may serve on the institutional review board.

The institutional review board may approve only research or treatment that meets the standards of the federal Food and Drug Administration with respect to (i) the protection of human subjects and (ii) financial disclosure by clinical investigators. The Office of State Long Term Care Ombudsman and the State Protection and Advocacy organization shall be given an opportunity to comment on any request for approval before the board makes a decision. Those entities shall not be provided information that would allow a potential human subject to be individually identified, unless the board asks the Ombudsman for help in securing information from or about the resident. The board shall require frequent reporting of the progress of the approved research or treatment and its impact on residents, including immediate reporting of any adverse impact to the resident, the resident's representative, the Office of the State Long Term Care Ombudsman, and the State Protection and Advocacy organization. The board may not approve any retrospective study of the records of any resident about the safety or efficacy of any care or treatment if the resident was under the care of the proposed researcher or a business associate when the care or treatment was given, unless the study is under the control of a researcher without any business relationship to any person or entity who could benefit from the findings of the study.

No facility shall permit experimental research or treatment to be conducted on a resident, or give access to any person or person's records for a retrospective study about the safety or efficacy of any care or treatment, without the prior written approval of the institutional review board. No nursing home administrator, or person licensed by the State to provide medical care or treatment to any person, may assist or participate in any experimental research on or treatment of a resident, including a retrospective study, that does not have the prior written approval of the board. Such conduct shall be grounds for professional discipline by the Department of Financial and Professional Regulation.

The institutional review board may exempt from ongoing review research or treatment initiated on a resident before the individual's admission to a facility and for which the board determines there is adequate ongoing oversight by another institutional review board. Nothing in this Section shall prevent a facility, any facility employee, or any other person from assisting or participating in any experimental research on or treatment of a resident, if the research or treatment began before the person's admission to a facility, until the board has reviewed the research or treatment and decided to grant or deny approval or to exempt the research or treatment from ongoing review.

The institutional review board requirements of this subsection (a) do not apply to investigational drugs, biological products, or devices used by a resident with a terminal illness as set forth in the Right to Try Act.

(b) All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance with such orders.

All physician's orders and plans of treatment shall have the authentication of the physician. For the purposes of this subsection (b), "authentication" means an original written signature or an electronic signature system that allows for the verification of a signer's credentials. A stamp signature, with or without initials, is not sufficient.

According to rules adopted by the Department, every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care.

(c) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. The resident's refusal shall free the facility from the obligation to provide the treatment.

(d) Every resident, resident's guardian, or parent if the resident is a minor shall be permitted to inspect and copy all his clinical and other records concerning his care and maintenance kept by the facility or by his physician. The facility may charge a reasonable fee for duplication of a record.

(Source: P.A. 96-1372, eff. 7-29-10; 97-179, eff. 1-1-12.)

Section 90. The Medical Practice Act of 1987 is amended by changing Section 22 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2015)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem proper with regard to the license or permit of any person issued under this Act, including imposing fines not to exceed \$10,000 for each violation, upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act;

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control;

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) A plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of any crime that is a felony.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or

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value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Adverse action taken by another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof. This includes any adverse action taken by a State or federal agency that prohibits a medical doctor, doctor of osteopathy, doctor of osteopathic medicine, or doctor of chiropractic from providing services to the agency's participants.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

(14) Violation of the prohibition against fee splitting in Section 22.2 of this Act.

(15) A finding by the Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to provide copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate.

(43) Repeated failure to adequately collaborate with a licensed advanced practice nurse.

(44) Violating the Compassionate Use of Medical Cannabis Pilot Program Act.

(45) Entering into an excessive number of written collaborative agreements with licensed prescribing psychologists resulting in an inability to adequately collaborate.

(46) Repeated failure to adequately collaborate with a licensed prescribing psychologist.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

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

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Disciplinary Board or the Licensing Board, upon a showing of a possible violation, may compel, in the case of the Disciplinary Board, any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or, in the case of the Licensing Board, any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Licensing Board or Disciplinary Board and at the expense of the Department. The Disciplinary Board or Licensing Board shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis, psychological testing, or neuropsychological testing. The Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department, the Disciplinary Board, or the Licensing Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee, permit holder, or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic suspension, without hearing, until such time as the individual submits to the examination. If the Disciplinary Board or Licensing Board finds a physician unable to practice following an examination and evaluation because of the reasons set forth in this Section, the Disciplinary Board or Licensing Board shall require such physician to submit to care, counseling, or treatment by physicians, or other health care professionals, approved or designated by the Disciplinary Board, as a condition for issued, continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately

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suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(B) The Department shall revoke the license or permit issued under this Act to practice medicine or a chiropractic physician who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or permit is revoked under this subsection B shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Department shall not revoke, suspend, place on probation, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action against the license or permit issued under this Act to practice medicine to a physician based solely upon the recommendation of the physician to an eligible patient, as defined under Section 10 of the Right to Try Act, regarding, or prescription for, or treatment with, an investigational drug, biological product, or device.

(D) ~~(C)~~ The Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$1,000 and for a second or subsequent violation, a civil penalty of \$5,000.

(Source: P.A. 97-622, eff. 11-23-11; 98-601, eff. 12-30-13; 98-668, eff. 6-25-14; 98-1140, eff. 12-30-14)."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Barickman, **Senate Bill No. 41** having been printed, was taken up, read by title a second time .

Committee Amendment No. 1 was postponed in the Committee on Energy.

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

On motion of Senator Martinez, **Senate Bill No. 42** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

#### AMENDMENT NO. 1 TO SENATE BILL 42

AMENDMENT NO. 1. Amend Senate Bill 42 on page 2, line 9, after "her license", by inserting "so long as the conviction occurred more than 5 years before the date the petition is filed".

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

On motion of Senator Morrison, **Senate Bill No. 44** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 44**

AMENDMENT NO. 1. Amend Senate Bill 44 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Unmanned Aerial System Oversight Task Force Act.

Section 5. Purpose. The use of drones is becoming more common in everyday applications both commercially and privately. It is clear that increased drone use creates emerging conflicts and challenges to providing guidance into the safe operation of drones, while not infringing upon the constitutional rights of others. It is necessary to establish a task force to provide oversight and input in creating comprehensive laws and rules for the operation and use of drone technology within this State, subject to federal oversight and regulation.

Section 10. Definitions. As used in this Act:

"Task Force" means the Unmanned Aerial System Oversight Task Force.

"Unmanned Aerial System" or "UAS" means an unmanned aerial vehicle or drone.

Section 15. The Unmanned Aerial System Task Force.

(a) There is hereby created the Unmanned Aerial System Oversight Task Force to study and make recommendations for the operation, usage, and regulation of Unmanned Aerial Systems, commonly referred to as "drone" technology, within this State.

(b) Within 90 days after the effective date of this Act members of the Task Force shall be appointed by the Governor and shall consist of one member from each of the following agencies or interest groups:

(1) a member of the Division of Aeronautics of the Department of Transportation, nominated by the Secretary of Transportation;

(2) a member of the Department of State Police, nominated by the Director of State Police;

(3) a Conservation Police officer of the Department of Natural Resources, nominated by the Director of Natural Resources;

(4) a member of the Department of Agriculture, nominated by the Director of Agriculture;

(5) a member of the Department of Commerce and Economic Opportunity, nominated by the Director of Commerce and Economic Opportunity;

(6) a UAS technical commercial representative;

(7) a UAS manufacturing industry representative;

(8) a person nominated by the Attorney General;

(9) a member of the Illinois Conservation Police Lodge, nominated by the president of the Lodge;

(10) a member of a statewide sportsmen's federation, nominated by the president of the federation;

(11) a member of a statewide agricultural association, nominated by the president of the association; and

(12) a member of a statewide commerce association, nominated by the president or executive director of the association.

(c) Nominations to the Task Force must be submitted to the Governor within 60 days of the effective date of this Act. The Governor shall make the appointments within 30 days after the close of nominations. The term of the appointment shall be until submission of the report of comprehensive recommendations under subsection (f) of this Section. The member from the Division of Aeronautics of the Department of Transportation, shall chair the Task Force and serve as a liaison to the Governor and General Assembly. Meetings of the Task Force shall be held as necessary to complete the duties of the Task Force. Meetings of the Task Force shall be held in the central part of the State.

(d) The members of the Task Force shall receive no compensation for serving as members of the Task Force.

(e) The Task Force shall consider commercial and private uses of drones, landowner and privacy rights, as well as general rules and regulations for safe operation of drones, and prepare comprehensive recommendations for the safe and lawful operation of UAS in this State.

(f) The Task Force shall submit a report with recommendations to the Governor and General Assembly no later than July 1, 2016.

Section 20. Expiration. This Act is repealed on September 1, 2016.

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

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

On motion of Senator Haine, **Senate Bill No. 94** having been printed, was taken up, read by title a second time.

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

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

**AMENDMENT NO. 2 TO SENATE BILL 94**

AMENDMENT NO. 2. Amend Senate Bill 94 as follows:

on page 10, below line 4, by inserting the following:

"(7) Disciplinary action by the Director against the company or the appointed actuary shall be defined by the Director by rule."; and

on page 10, line 5, by replacing "(7)" with "(8)"; and

on page 10, line 9, by replacing "(8)" with "(9)"; and

by replacing line 26 on page 53 through line 23 on page 54 with the following:

"(b) For any company granted an exemption under this"; and

on page 73, lines 10 and 11, by replacing "commissioner's standard Any ordinary mortality tables" with "Commissioners Standard Mortality Table Any ordinary mortality tables"; and

on page 73, line 20, by replacing "mortality table" with "Ordinary Mortality Table"; and

on page 73, lines 25 and 26, by replacing "Commissioner's Standard ordinary mortality table" with "Commissioners Standard Ordinary Mortality Table"; and

on page 74, lines 7 and 8, by replacing "Commissioner's Standard Any industrial mortality tables" with "Commissioners Standard Industrial Mortality Table Any industrial mortality tables"; and

on page 74, line 16, by replacing "Commissioner's Standard mortality table" with "Commissioners Standard Industrial Mortality Table"; and

on page 74, line 21, by replacing "Commissioner's Standard industrial mortality table" with "Commissioners Standard Industrial Mortality Table"; and

on page 75, line 4, by inserting "the" immediately after "Manual"; and

on page 76, line 22, by replacing "law" with "Law law".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 653** having been printed, was taken up, read by title a second time.

[March 24, 2015]

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

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

**AMENDMENT NO. 2 TO SENATE BILL 653**

AMENDMENT NO. 2. Amend Senate Bill 653 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by adding Section 21.2 as follows:  
(20 ILCS 505/21.2 new)

Sec. 21.2. Child welfare training academy.

The Department shall establish a child welfare training academy for child protective investigators and supervisors employed by the Department or its contractors.

The training efforts of the child welfare training academy shall include, but shall not be limited to, establishing:

(1) training curricula on recognizing and responding to cases of child abuse or neglect;

(2) cultural competency training that provides tools and other supports to ensure that a child welfare provider's response to and engagement with families and children of color are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of the individuals who are receiving services, and are conducted or provided in a manner that has the greatest likelihood of ensuring maximum success of or participation in the child welfare program or services being provided;

(3) laboratory training facilities that include mock houses, mock medical facilities, mock courtrooms, and mock forensic interview rooms that allow for simulated, interactive, and intensive training; and

(4) minimum standards of competence that a person shall be required to demonstrate prior to receiving certification from the Department.

By January 1, 2016, the Department shall adopt rules for the administration of the child welfare training academy that not only establish statewide competence, assessment, and training standards for persons providing child welfare services, but that also ensure that persons who provide child welfare services have the knowledge, skills, professionalism, and abilities to make decisions that keep children safe and secure.

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the appointment messages.

The motion prevailed.

**EXECUTIVE SESSION**

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 990044, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**Appointment Message No. 990044**

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

I, Bruce Rauner, 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: Director

Agency or Other Body: Illinois Department of Commerce and Economic Opportunity

[March 24, 2015]

Start Date: February 16, 2015

End Date: January 16, 2017

Name: James Schultz

Residence: 110 N. Long St., Effingham, IL 62401

Annual Compensation: \$142,339

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Adam Pollet

Superseded Appointment Message: Not Applicable

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Delgado	Martinez	Rezin
Anderson	Forby	McCarter	Righter
Barickman	Haine	McConnaughay	Rose
Bennett	Harmon	McGuire	Silverstein
Bertino-Tarrant	Hastings	Morrison	Stadelman
Biss	Holmes	Mulroe	Steans
Bivins	Hunter	Muñoz	Sullivan
Bush	Hutchinson	Murphy	Syverson
Clayborne	Koehler	Noland	Trotter
Collins	Kotowski	Nybo	Van Pelt
Connelly	Lightford	Oberweis	Mr. President
Cullerton, T.	Link	Radogno	
Cunningham	Manar	Raoul	

The motion prevailed.

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

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 990045, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**Appointment Message No. 990045**

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

I, Bruce Rauner, 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: Assistant Director

Agency or Other Body: Illinois Department of Commerce and Economic Opportunity

[March 24, 2015]

Start Date: February 16, 2015

End Date: January 16, 2017

Name: Andria Winters

Residence: 1503 N. Mohawk St., #1E, Chicago, IL 60610

Annual Compensation: \$121,029

Per diem: Not Applicable

Nominee's Senator: Senator Patricia Van Pelt

Most Recent Holder of Office: Daniel Seals

Superseded Appointment Message: Not Applicable

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

YEAS 47; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Delgado	McCann	Raoul
Anderson	Duffy	McCarter	Rezin
Barickman	Forby	McConaughay	Righter
Bennett	Haine	McGuire	Rose
Bertino-Tarrant	Hastings	Morrison	Silverstein
Biss	Hunter	Mulroe	Stadelman
Bivins	Hutchinson	Muñoz	Sullivan
Clayborne	Koehler	Murphy	Syverson
Collins	Lightford	Noland	Trotter
Connelly	Link	Nybo	Van Pelt
Cullerton, T.	Manar	Oberweis	Mr. President
Cunningham	Martinez	Radogno	

The following voted present:

Kotowski

The motion prevailed.

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

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

Senator Sullivan, presiding.

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

Senator Harmon moved that **Senate Resolution No. 141**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Harmon moved that Senate Resolution No. 141 be adopted.

The motion prevailed.

And the resolution was adopted.

[March 24, 2015]

**READING BILLS OF THE SENATE A SECOND TIME**

On motion of Senator Hutchinson, **Senate Bill No. 717** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Revenue.

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

**AMENDMENT NO. 2 TO SENATE BILL 717**

AMENDMENT NO. 2. Amend Senate Bill 717 on page 1, line 5, by replacing "Sections 203, 901, and 1501" with "Sections 203, 804, and 1501"; and

on page 96, immediately below line 11, by inserting the following:

"(35 ILCS 5/804) (from Ch. 120, par. 8-804)

Sec. 804. Failure to Pay Estimated Tax.

(a) In general. In case of any underpayment of estimated tax by a taxpayer, except as provided in subsection (d) or (e), the taxpayer shall be liable to a penalty in an amount determined at the rate prescribed by Section 3-3 of the Uniform Penalty and Interest Act upon the amount of the underpayment (determined under subsection (b)) for each required installment.

(b) Amount of underpayment. For purposes of subsection (a), the amount of the underpayment shall be the excess of:

(1) the amount of the installment which would be required to be paid under subsection (c), over

(2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) Amount of Required Installments.

(1) Amount.

(A) In General. Except as provided in paragraphs (2) and (3), the amount of any required installment shall be 25% of the required annual payment.

(B) Required Annual Payment. For purposes of subparagraph (A), the term "required annual payment" means the lesser of:

(i) 90% of the tax shown on the return for the taxable year, or if no return is filed, 90% of the tax for such year;

(ii) for installments due prior to February 1, 2011, and after January 31, 2012, 100% of the tax shown on the return of the taxpayer for the preceding taxable year if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months; or

(iii) for installments due after January 31, 2011, and prior to February 1, 2012, 150% of the tax shown on the return of the taxpayer for the preceding taxable year if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) Lower Required Installment where Annualized Income Installment is Less Than Amount Determined Under Paragraph (1).

(A) In General. In the case of any required installment if a taxpayer establishes that the annualized income installment is less than the amount determined under paragraph (1),

(i) the amount of such required installment shall be the annualized income installment, and

(ii) any reduction in a required installment resulting from the application of this subparagraph shall be recaptured by increasing the amount of the next required installment determined under paragraph (1) by the amount of such reduction, and by increasing subsequent required installments to the extent that the reduction has not previously been recaptured under this clause.

(B) Determination of Annualized Income Installment. In the case of any required installment, the annualized income installment is the excess, if any, of:

(i) an amount equal to the applicable percentage of the tax for the taxable year computed by placing on an annualized basis the net income for months in the taxable year ending before the due date for the installment, over

(ii) the aggregate amount of any prior required installments for the taxable year.

[March 24, 2015]

(C) Applicable Percentage.

In the case of the following required installments:

The applicable percentage is:  
 22.5%  
 45%  
 67.5%  
 90%

- 1st .....
- 2nd .....
- 3rd .....
- 4th .....

(D) Annualized Net Income; Individuals. For individuals, net income shall be placed on an annualized basis by:

- (i) multiplying by 12, or in the case of a taxable year of less than 12 months, by the number of months in the taxable year, the net income computed without regard to the standard exemption for the months in the taxable year ending before the month in which the installment is required to be paid;
- (ii) dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls; and
- (iii) deducting from such amount the standard exemption allowable for the taxable year, such standard exemption being determined as of the last date prescribed for payment of the installment.

(E) Annualized Net Income; Corporations. For corporations, net income shall be placed on an annualized basis by multiplying by 12 the taxable income

- (i) for the first 3 months of the taxable year, in the case of the installment required to be paid in the 4th month,
- (ii) for the first 3 months or for the first 5 months of the taxable year, in the case of the installment required to be paid in the 6th month,
- (iii) for the first 6 months or for the first 8 months of the taxable year, in the case of the installment required to be paid in the 9th month, and
- (iv) for the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year, then dividing the resulting amount by the number of months in the taxable year (3, 5, 6, 8, 9, or 11 as the case may be).

(3) Notwithstanding any other provision of this subsection (c), in the case of a federally regulated exchange that elects to apportion its income under Section 304(c-1) of this Act, the amount of each required installment due prior to June 30 of the first taxable year to which the election applies shall be 25% of the tax that would have been shown on the return for that taxable year if the taxpayer had not made such election.

(d) Exceptions. Notwithstanding the provisions of the preceding subsections, the penalty imposed by subsection (a) shall not be imposed if the taxpayer was not required to file an Illinois income tax return for the preceding taxable year, or, for individuals, if the taxpayer had no tax liability for the preceding taxable year and such year was a taxable year of 12 months. The penalty imposed by subsection (a) shall also not be imposed on any underpayments of estimated tax due before the effective date of this amendatory Act of 1998 which underpayments are solely attributable to the change in apportionment from subsection (a) to subsection (h) of Section 304. The provisions of this amendatory Act of 1998 apply to tax years ending on or after December 31, 1998.

(e) The penalty imposed for underpayment of estimated tax by subsection (a) of this Section shall not be imposed to the extent that the Director or his or her designate determines, pursuant to Section 3-8 of the Uniform Penalty and Interest Act that the penalty should not be imposed.

(f) Definition of tax. For purposes of subsections (b) and (c), the term "tax" means the excess of the tax imposed under Article 2 of this Act, over the amounts credited against such tax under Sections 601(b) (3) and (4).

(g) Application of Section in case of tax withheld under Article 7. For purposes of applying this Section:

(1) tax withheld from compensation for the taxable year shall be deemed a payment of estimated tax, and an equal part of such amount shall be deemed paid on each installment date for such taxable year, unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts so withheld shall be deemed payments of estimated tax on the dates on which such amounts were actually withheld;

(2) amounts timely paid by a partnership, Subchapter S corporation, or trust on behalf of a partner, shareholder, or beneficiary pursuant to subsection (f) of Section 502 or Section 709.5 and claimed as a payment of estimated tax shall be deemed a payment of estimated tax made on the last day

of the taxable year of the partnership, Subchapter S corporation, or trust for which the income from the withholding is made was computed; and

(3) all other amounts pursuant to Article 7 shall be deemed a payment of estimated tax on the date the payment is made to the taxpayer of the amount from which the tax is withheld.

(g-5) Amounts withheld under the State Salary and Annuity Withholding Act. An individual who has amounts withheld under paragraph (10) of Section 4 of the State Salary and Annuity Withholding Act may elect to have those amounts treated as payments of estimated tax made on the dates on which those amounts are actually withheld.

(g-10) Notwithstanding any other provision of law, no penalty shall apply with respect to an underpayment of estimated tax for the first, second, or third quarter of any taxable year ending on or after December 31, 2015 and ending prior to December 31, 2016 if (i) the underpayment was due to the changes made by this amendatory Act of the 99th General Assembly, (ii) the payment was otherwise timely made, and (iii) the balance due is included with the taxpayer's estimated tax payment for the fourth quarter.

(i) Short taxable year. The application of this Section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Department.

The changes in this Section made by Public Act 84-127 shall apply to taxable years ending on or after January 1, 1986.

(Source: P.A. 96-1496, eff. 1-13-11; 97-507, eff. 8-23-11; 97-636, eff. 6-1-12.)"; and

by deleting everything from line 12 on page 96 through line 14 on page 108; and

by deleting everything from line 18 on page 135 through line 18 on page 136.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 793** having been printed, was taken up, read by title a second time.

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

#### **AMENDMENT NO. 1 TO SENATE BILL 793**

AMENDMENT NO. 1. Amend Senate Bill 793 as follows:

on page 1, immediately below line 3, by inserting the following:

"Section 3. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-252 as follows:

(20 ILCS 2310/2310-252)

Sec. 2310-252. Guidelines for needle disposal; education.

(a) The Illinois Department of Public Health, in cooperation with the Illinois Environmental Protection Agency, must create guidelines for the proper disposal of hypodermic syringes, needles, and other sharps used for self-administration purposes that are consistent with the available guidelines regarding disposal for home health care products provided by the United States Environmental Protection Agency. In establishing these guidelines, the Department shall promote flexible and convenient disposal methods appropriate to the area and level of services available to the person disposing of the hypodermic syringe, needle, or other sharps. The Department guidelines shall encourage the use of safe disposal programs that include, but are not limited to, the following:

- (1) drop box or supervised collection sites;
- (2) sharps mail-back programs;
- (3) syringe exchange programs; and
- (4) at-home needle destruction devices.

(b) The Illinois Department of Public Health must develop educational materials regarding the safe disposal of hypodermic syringes, needles, and other sharps and distribute copies of these educational materials to pharmacies and the public. The educational materials must include information regarding safer injection, HIV prevention, proper methods for the disposal of hypodermic syringes, needles, and other sharps, and contact information for obtaining treatment for drug abuse and addiction.

(c) As soon as practicable after the effective date of this amendatory Act of the 99th General Assembly, the Department of Public Health shall review and, if necessary, revise the guidelines and educational

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materials developed pursuant to this Section so that those guidelines and materials inform members of the public about the prohibitions under Section 56.1 of the Environmental Protection Act."; and  
(Source: P.A. 94-641, eff. 8-22-05.)

on page 5, in line 5, immediately after "mix", by inserting "household"; and

on page 5, in line 13, immediately after "place", by inserting "household"; and

by deleting line 25, on page 5, through line 25, on page 7.

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

On motion of Senator McCann, **Senate Bill No. 800** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **Senate Bill No. 816** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 838** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

#### **AMENDMENT NO. 1 TO SENATE BILL 838**

AMENDMENT NO. 1. Amend Senate Bill 838 on page 9, line 13, after the period, by inserting "Both examinations shall cover Illinois jurisprudence as it relates to roofing practice."; and

by replacing line 3 on page 46 through line 20 on page 47 with the following:

"(225 ILCS 335/11.5)

(Section scheduled to be repealed on January 1, 2016)

Sec. 11.5. Board. The Roofing Advisory Board is created and shall consist of 8 persons, one of whom is a knowledgeable public member and 7 of whom are (i) designated as the qualifying party of a licensed roofing contractor or (ii) legally qualified to act for the business organization on behalf of the licensee in all matters connected with its roofing contracting business, have the authority to supervise roofing installation operations, and actively engaged in day-to-day activities of the business organization for a licensed roofing contractor have been issued licenses as roofing contractors by the Department. One of the 7 nonpublic members ~~licensed roofing contractors~~ on the Board shall represent a statewide association representing home builders and another of the 7 nonpublic members ~~licensed roofing contractors~~ shall represent an association predominately representing retailers. The public member shall not be licensed under this Act or any other Act the Department administers. Each member shall be appointed by the Secretary Director. Five members of the Board shall constitute a quorum. A quorum is required for all Board decisions. Members shall be appointed who reasonably represent the different geographic areas of the State. A quorum of the Board shall consist of the majority of Board members appointed.

Members of the Roofing Advisory Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Roofing Advisory Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

The persons appointed shall hold office for 4 years and until a successor is appointed and qualified. ~~The initial terms shall begin July 1, 1997. Of the members of the Board first appointed, 2 shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and 3 shall be appointed to serve for 4 years. No member shall serve more than 2 complete 4 year terms.~~

The Secretary shall have the authority to remove or suspend any member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

The Secretary ~~Within 90 days of a vacancy occurring, the Director~~ shall fill a the vacancy for the unexpired portion of the term with an appointee who meets the same qualifications as the person whose position has become vacant. The Board shall meet annually to elect one member as chairman and one member as vice-chairman. No officer shall be elected more than twice in succession to the same office. The members of the Board shall receive reimbursement for actual, necessary, and authorized expenses incurred in attending the meetings of the Board.

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(Source: P.A. 94-254, eff. 7-19-05.)".

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

On motion of Senator Koehler, **Senate Bill No. 663** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 663**

AMENDMENT NO. 1. Amend Senate Bill 663 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public

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body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions

filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-judicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff. 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; revised 10-1-14.)"

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

On motion of Senator Lightford, **Senate Bill No. 730** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 731** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

#### **AMENDMENT NO. 1 TO SENATE BILL 731**

AMENDMENT NO. 1. Amend Senate Bill 731 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.26 and by adding Section 4.36 as follows:

(5 ILCS 80/4.26)

Sec. 4.26. Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

~~The Hearing Instrument Consumer Protection Act.~~

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08; 96-1246, eff. 1-1-11.)

(5 ILCS 80/4.36 new)

Sec. 4.36. Act repealed on January 1, 2026. The following Act is repealed on January 1, 2026:

~~The Hearing Instrument Consumer Protection Act.~~

Section 10. The Hearing Instrument Consumer Protection Act is amended by changing Sections 5, 8, 15, and 17 as follows:

(225 ILCS 50/5) (from Ch. 111, par. 7405)

(Section scheduled to be repealed on January 1, 2016)

Sec. 5. License required. No person shall engage in the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing instruments or display a sign, advertise, or represent oneself as a person who practices the fitting or selling of hearing instruments unless such person holds a current license issued by the Department as provided in this Act. Such person shall be known as a licensed hearing instrument dispenser. Individuals licensed pursuant to the provisions of Section 8 of this Act shall be deemed qualified to provide tests of human hearing and hearing instrument evaluations for the purpose of dispensing a hearing instrument for which any State agency may contract. The license shall be conspicuously displayed in the place of business. Duplicate licenses shall be issued by the Department to licensees operating more than one office upon the additional payment set forth in this Act. No hearing

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instrument manufacturer may distribute, sell, or otherwise provide hearing instruments to any unlicensed hearing care professional for the purpose of selling hearing instruments to the consumer.

Except for violations of the provisions of this Act, or the rules promulgated under it, nothing in this Act shall prohibit a corporation, partnership, trust, association, or other entity from engaging in the business of testing, fitting, servicing, selecting, dispensing, selling, or offering for sale hearing instruments at retail without a license, provided it employs only licensed individuals in the direct testing, fitting, servicing, selecting, offering for sale, or dispensing of such products. Each such corporation, partnership, trust, association, or other entity shall file with the Department, prior to doing business in this State and by July 1 of each calendar year thereafter, on forms prescribed by the Department, a list of all licensed hearing instrument dispensers employed by it and a statement attesting that it complies with this Act and the rules promulgated under it and the regulations of the Federal Food and Drug Administration and the Federal Trade Commission insofar as they are applicable.

(Source: P.A. 89-72, eff. 12-31-95; 90-655, eff. 7-30-98.)

(225 ILCS 50/8) (from Ch. 111, par. 7408)

(Section scheduled to be repealed on January 1, 2016)

Sec. 8. Applicant qualifications; examination.

(a) In order to protect persons who are deaf or hard of hearing, the Department shall authorize or shall conduct an appropriate examination, which may be the International Hearing Society's licensure examination, for persons who dispense, test, select, recommend, fit, or service hearing instruments. The frequency of holding these examinations shall be determined by the Department by rule. Those who successfully pass such an examination shall be issued a license as a hearing instrument dispenser, which shall be effective for a 2-year period.

(b) Applicants shall be:

- (1) at least 18 years of age;
- (2) of good moral character;
- (3) the holder of an associate's degree or the equivalent;
- (4) free of contagious or infectious disease; and
- (5) a citizen or person who has the status as a legal alien.

Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

(c) Prior to engaging in the practice of fitting, dispensing, or servicing hearing instruments, an applicant shall demonstrate, by means of written and practical examinations, that such person is qualified to practice the testing, selecting, recommending, fitting, selling, or servicing of hearing instruments as defined in this Act. An applicant must obtain a license within 12 months after passing either the written or practical examination, whichever is passed first, or must take and pass those examinations again in order to be eligible to receive a license.

The Department shall, by rule, determine the conditions under which an individual is examined.

(d) Proof of having met the minimum requirements of continuing education as determined by the Board shall be required of all license renewals. Pursuant to rule, the continuing education requirements may, upon petition to the Board, be waived in whole or in part if the hearing instrument dispenser can demonstrate that he or she served in the Coast Guard or Armed Forces, had an extreme hardship, or obtained his or her license by examination or endorsement within the preceding renewal period.

(e) Persons applying for an initial license must demonstrate having earned, at a minimum, an associate degree or its equivalent from an accredited institution of higher education that is recognized by the U.S. Department of Education or that meets the U.S. Department of Education equivalency as determined through a National Association of Credential Evaluation Services (NACES) member, and meet the other requirements of this Section. In addition, the applicant must demonstrate the successful completion of 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the speech and hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent. Persons licensed before January 1, 2003 who have a valid license on that date may have their license renewed without meeting the requirements of this subsection.

(Source: P.A. 98-827, eff. 1-1-15.)

(225 ILCS 50/15) (from Ch. 111, par. 7415)

(Section scheduled to be repealed on January 1, 2016)

Sec. 15. Fees.

(a) The examination and licensure fees paid to the Department are not refundable and shall be set forth by administrative rule. The Department may require a fee for the administration of the examination in addition to examination and licensure fees.

(b) The moneys received as fees and fines by the Department under this Act shall be deposited in the Hearing Instrument Dispenser Examining and Disciplinary Fund, which is hereby created as a special fund in the State Treasury, and shall be used only for the administration and enforcement of this Act, including: (1) costs directly related to licensing of persons under this Act; and (2) by the Board in the exercise of its powers and performance of its duties, and such use shall be made by the Department with full consideration of all recommendations of the Board.

All moneys deposited in the Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration and enforcement of this Act.

Moneys in the Fund may be invested and reinvested, with all earnings deposited in the Fund and used for the purposes set forth in this Act.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act, which audit shall include an audit of the Fund, the Department shall make a copy of the audit open to inspection by any interested person, which copy shall be submitted to the Department by the Auditor General, in addition to the copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 96-683, eff. 1-1-10.)

(225 ILCS 50/17) (from Ch. 111, par. 7417)

(Section scheduled to be repealed on January 1, 2016)

Sec. 17. Duties of the Board. The Board shall advise the Department in all matters relating to this Act and shall assist as requested by the Director.

The Board shall respond to issues and problems relating to the improvement of services to the deaf or hard of hearing and shall make such recommendations as it considers advisable. It shall file an annual report with the Director and shall meet at least twice a year. The Board may meet at any time at the call of the chair.

The Board shall recommend specialized education programs for persons wishing to become licensed as hearing instrument dispensers and shall, by rule, establish minimum standards of continuing education required for license renewal. No more than 5 hours of continuing education credit per year, however, can be obtained through programs sponsored by hearing instrument manufacturers. A minimum of 2 hours of continuing education credit per licensing period must be obtained in Illinois law and ethics. Continuing education offered by a college, university, or bar association, the International Hearing Society, the American Academy of Audiology, the Illinois Speech-Language-Hearing Association, the Illinois Academy of Audiology, or the Illinois Hearing Society regarding Illinois law and ethics shall be accepted toward satisfaction of the Illinois law and ethics continuing education requirement.

The Board shall hear charges brought by any person against hearing instrument dispensers and shall recommend disciplinary action to the Director.

Members of the Board are immune from liability in any action based upon a licensing proceeding or other act performed in good faith as a member of the Board.

(Source: P.A. 98-827, eff. 1-1-15.)

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

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

On motion of Senator Martinez, **Senate Bill No. 749** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

#### **AMENDMENT NO. 1 TO SENATE BILL 749**

AMENDMENT NO. 1. Amend Senate Bill 749 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.26 and by adding Section 4.36 as follows:

(5 ILCS 80/4.26)

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Sec. 4.26. Acts repealed on January 1, 2016. The following Acts are repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

The Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

~~The Professional Geologist Licensing Act.~~

(Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08; 96-1246, eff. 1-1-11.)

(5 ILCS 80/4.36 new)

Sec. 4.36. Act repealed on January 1, 2026. The following Act is repealed on January 1, 2026:

The Professional Geologist Licensing Act.

Section 10. The Professional Geologist Licensing Act is amended by changing Sections 15, 25, 30, 35, 50, 60, 65, 75, 80, 90, 95, 100, 110, 120, 125, 130, 135, 145, 155, 162, 165, and 170 and by adding Section 180 as follows:

(225 ILCS 745/15)

(Section scheduled to be repealed on January 1, 2016)

Sec. 15. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Board" means the Board of Licensing for Professional Geologists.

"Department" means the Department of Financial and Professional Regulation.

"Geologist" means an individual who, by reason of his or her knowledge of geology, mathematics, and the physical and life sciences, acquired by education and practical experience as defined by this Act, is capable of practicing the science of geology.

"Geology" means the science that includes the treatment of the earth and its origin and history including, but not limited to, (i) the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, gases, and other materials that compose the earth as they may relate to geologic processes; (ii) the study of the natural agents, forces, and processes that cause changes in the earth; and (iii) the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes, for the benefit of humankind.

"Person" or "individual" means a natural person.

"Practice of professional geology" means the performance of, or the offer to perform, the services of a geologist, including consultation, investigation, evaluation, planning, mapping, inspection of geologic work, and other services that require extensive knowledge of geologic laws, formulas, principles, practice, and methods of data interpretation.

A person shall be construed to practice or offer to practice professional geology, within the meaning and intent of this Act, if that person (i) by verbal claim, sign, advertisement, letterhead, card, or any other means, represents himself or herself to be a Licensed Professional Geologist or through the use of some title implies that he or she is a Licensed Professional Geologist or is licensed under this Act or (ii) holds himself or herself out as able to perform or does perform services or work defined in this Act as the practice of professional geology.

Examples of the practice of professional geology include, but are not limited to, the conduct of, or responsible charge for, the following types of activities: (i) mapping, sampling, and analysis of earth materials, interpretation of data, and the preparation of oral or written testimony regarding the probable geological causes of events; (ii) planning, review, and supervision of data gathering activities, interpretation of geological data gathered by direct and indirect means, preparation and interpretation of geological maps, cross-sections, interpretive maps and reports for the purpose of determining regional or site specific geological conditions; (iii) the planning, review, and supervision of data gathering activities and interpretation of data on regional or site specific geological characteristics affecting groundwater; (iv) the interpretation of geological conditions on the surface of the Earth and at depth in the Earth for the purpose of determining whether those conditions correspond to a geologic map of the site or a legally specified geological requirement for the site; and (v) the conducting of environmental property audits.

"Licensed Professional Geologist" means an individual who is licensed under this Act to engage in the practice of professional geology in Illinois.

"Responsible charge" means the independent control and direction, by use of initiative, skill, and independent judgment, of geological work or the supervision of that work.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/25)

(Section scheduled to be repealed on January 1, 2016)

Sec. 25. Restrictions and limitations. No person shall, without a valid license issued by the Department (i) in any manner hold himself or herself out to the public as a Licensed Professional Geologist; (ii) attach the title "Licensed Professional Geologist" to his or her name; or (iii) render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

~~Individuals practicing geology in Illinois as of the effective date of this amendatory Act of 1997 may continue to practice as provided in this Act until the Department has adopted rules implementing this Act. To continue practicing geology after the adoption of rules, individuals shall apply for licensure within 180 days after the effective date of the rules. If an application is received during the 180-day period, the individual may continue to practice until the Department acts to grant or deny licensure. If an application is not filed within the 180-day period, the individual must cease the practice of geology at the conclusion of the 180-day period and until the Department acts to grant a license to the individual.~~

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/30)

(Section scheduled to be repealed on January 1, 2016)

Sec. 30. Powers and duties of the Department. Subject to the provisions of this Act, the Department may:

(a) Authorize examinations to ascertain the qualifications and fitness of applicants for licensing as a Licensed Professional Geologist or as a Licensed Specialty Geologist, as defined by the Board, and pass upon the qualifications of applicants for licensure by endorsement.

(b) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, ~~licenses or~~ suspend, place on probation, ~~or~~ reprimand, ~~or take any other disciplinary or non-disciplinary action against licenses issued persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, or reprimand persons licensed under this Act.~~

(c) Formulate rules required for the administration of this Act.

(d) Obtain written recommendations from the Board regarding (i) definitions of curriculum content and approval of geological curricula, standards of professional conduct, and formal disciplinary actions and the formulation of rules affecting these matters and (ii) when petitioned by the applicant, opinions regarding the qualifications of applicants for licensing.

(e) Maintain rosters of the names and addresses of all licensees, and all persons whose licenses have been suspended, revoked, ~~or~~ denied renewal, ~~or otherwise disciplined~~ for cause within the previous calendar year. These rosters shall be available upon written request and payment of the required fee.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/35)

(Section scheduled to be repealed on January 1, 2016)

Sec. 35. Board of Licensing for Professional Geologists; members; qualifications; duties.

(a) The ~~Secretary~~ Director shall appoint a Board of Licensing for Professional Geologists which shall serve in an advisory capacity to the ~~Secretary~~ Director. The Board shall be composed of 8 persons, 7 of whom shall be voting members appointed by the ~~Secretary~~ Director, who shall give due consideration to recommendations by members of the profession of geology and of geology organizations within the State. In addition, the State Geologist or his or her designated representative, shall be an advisory, non-voting member of the Board.

(b) Insofar as possible, the geologists appointed to serve on the Board shall be generally representative of the occupational and geographical distribution of geologists within this State.

(c) Of the 7 appointed voting members of the Board, 6 shall be geologists and one shall be a member of the general public with no family or business connection with the practice of geology.

~~(d) Each of the first appointed geologist members of the Board shall have at least 10 years of active geological experience and shall possess the education and experience required for licensure. Each subsequently appointed geologist member of the Board shall be a Licensed Professional Geologist licensed under this Act with at least 10 years of experience.~~

(e) Voting members shall be appointed to 4-year terms. Partial terms of over 2 years in length shall be considered full terms. Of the initial appointments, the Director shall appoint 3 voting members for a term of 4 years, 2 voting members for a term of 3 years, and 2 voting members for a term of 2 years. Thereafter, voting members shall be appointed for 4-year terms. Terms shall commence on the 3rd Monday in January.

[March 24, 2015]



(f) Members shall hold office until the expiration of their terms or until their successors have been appointed and have qualified.

(g) No voting member of the Board shall serve more than 2 consecutive full terms.

(h) Vacancies in the membership of the Board shall be filled by appointment for the remainder of the unexpired term.

(i) ~~The Secretary Director~~ may remove or suspend any appointed member of the Board for cause at any time before the expiration of his or her term. The Secretary shall be the sole arbiter of cause.

(j) The Board shall annually elect one of its members as chairperson and one of its members as vice-chair.

(k) The members of the Board shall be reimbursed for all legitimate and necessary expenses authorized by the Department incurred in attending the meetings of the Board.

(l) The Board may make recommendations to the ~~Secretary Director~~ to establish the examinations and their method of grading.

(m) The Board may submit written recommendations to the ~~Secretary Director~~ concerning formulation of rules and a Code of Professional Conduct and Ethics. The Board may recommend or endorse revisions and amendments to the Code and to the rules from time to time.

(n) The Board may make recommendations on matters relating to continuing education of Licensed Professional Geologists, including the number of hours necessary for license renewal, waivers for those unable to meet that requirement, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking a license renewal.

(o) Four voting Board members constitutes a quorum. A quorum is required for all Board decisions.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/50)

(Section scheduled to be repealed on January 1, 2016)

Sec. 50. Qualifications for licensure.

(a) The Department may issue a license to practice as a Licensed Professional Geologist to any applicant who meets the following qualifications:

(1) The applicant has completed an application form and paid the required fees.

(2) The applicant is of good ethical character, including compliance with the Code of Professional Conduct and Ethics under this Act, and has not committed any act or offense in any jurisdiction that would constitute the basis for disciplining a Licensed Professional Geologist under this Act.

(3) The applicant has earned a degree in geology from an accredited college or university, as established by rule, with a minimum of 30 semester or 45 quarter hours of course credits in geology, of which 24 semester or 36 quarter hours are in upper level courses. The Department may, upon the recommendation of the Board, allow the substitution of appropriate experience as a geologist for prescribed educational requirements as established by rule.

(4) The applicant has a documented record of a minimum of 4 years of professional experience, obtained after completion of the education requirements specified in this Section, in geologic or directly related work, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensure as a Licensed Professional Geologist or such specialty of professional geology that the Board may recommend and the Department may recognize. The Department may require evidence acceptable to it that up to 2 years of professional experience have been gained under the supervision of a person licensed under this Act or similar Acts in any other state, or under the supervision of others who, in the opinion of the Department, are qualified to have responsible charge of geological work under this Act.

(5) The applicant has passed an examination authorized by the Department for practice as a Licensed Professional Geologist.

(6) The applicant has complied with all other requirements of this Act and rules established for the implementation of this Act.

(b) A license to practice as a Licensed Professional Geologist shall not be denied any applicant because of the applicant's race, religion, creed, national origin, political beliefs or activities, age, sex, sexual orientation, or physical impairment.

(c) The Department may establish by rule an intern process to, in part, allow (1) a graduate who has earned a degree in geology from an accredited college or university in accordance with this Act or (2) a student in a degree program at an accredited college or university who has completed the necessary course requirements established in this Section to request to take one or both parts of the examination required by the Department without first submitting a formal application to the Department for licensure as a Licensed Professional Geologist. The Department may set by rule the criteria for the intern process,

including, but not limited to, the educational requirements, exam requirements, experience requirements, remediation requirements, and any fees or applications required for the process. The Department may also set by rule provisions concerning disciplinary guidelines and the use of the title "intern" or "trainee" by a graduate or student who has passed the required examination.

(Source: P.A. 96-666, eff. 8-25-09; 96-1327, eff. 7-27-10.)

(225 ILCS 745/60)

(Section scheduled to be repealed on January 1, 2016)

Sec. 60. Seals.

(a) Upon licensure, each licensee shall obtain a seal of a design as required by rule bearing the licensee's name, license number, and the legend "Licensed Professional Geologist".

(b) All preliminary, draft, and final geologic reports, documents, permits, affidavits, maps, boring logs, cross sections, or other records offered to the public and prepared or issued by or under the supervision of a Licensed Professional Geologist shall include the full name, signature, and license number of the licensee, and the date of license expiration of the person who prepared the document or under whose supervision it was prepared, and an impression of the licensee's seal, in accordance with rules issued by the Department.

(c) The Licensed Professional Geologist who has contract responsibility shall seal a cover sheet of the professional work products and those individual portions of the professional work products for which the Licensed Professional Geologist is legally and professionally responsible. A Licensed Professional Geologist practicing as the support professional shall seal those individual portions of professional work products for which that Licensed Professional Geologist is legally and professionally responsible.

(d) The use of a Licensed Professional Geologist's ~~licensed professional geologist's~~ seal on professional work products constitutes a representation that the work prepared by or under the personal supervision of that Licensed Professional Geologist has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

(e) It is unlawful to affix one's seal to professional work products if doing so ~~it~~ masks the true identity of the person who actually exercised direction, supervision, and responsible charge of the preparation of that work. A Licensed Professional Geologist who signs and seals professional work products is not responsible for damage caused by subsequent changes to or uses of those professional work products, if the subsequent changes or uses, including changes or uses made by State or local government agencies, are not authorized or approved by the Licensed Professional Geologist who originally signed and sealed the professional work products.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/65)

(Section scheduled to be repealed on January 1, 2016)

Sec. 65. Expiration and renewal of license. The expiration date and renewal period for each license shall be set by rule. A Licensed Professional Geologist whose license has expired may reinstate his or her license or enrollment at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee. However, any Licensed Professional Geologist whose license expired while he or she was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her Licensed Professional Geologist license renewed, reinstated, or restored without paying any lapsed renewal fees if within 2 years after termination of the service, training, or education the Licensed Professional Geologist furnishes to the Department ~~with~~ satisfactory evidence of the service, training, or education and that it has been terminated under honorable conditions.

~~Any professional geologist whose~~ Licensed Professional Geologist whose license has expired for more than 5 years may have it restored by making application to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored. The proof may include sworn evidence certifying active practice in another jurisdiction. If the geologist has not practiced for 5 years or more, the Board shall determine by an evaluation program established by rule, whether that individual is fit to resume active status as a Licensed Professional Geologist. The Board may require the geologist to complete a period of evaluated professional experience and may require successful completion of an examination.

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

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/75)

[March 24, 2015]

(Section scheduled to be repealed on January 1, 2016)

Sec. 75. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 calendar days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without a hearing. If, after termination or denial, the person seeks a license to practice as a Licensed Professional Geologist, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary Director may waive the fines due under this Section in individual cases where the Secretary Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/80)

(Section scheduled to be repealed on January 1, 2016)

Sec. 80. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 ~~\$5,000~~ for each violation, with regard to any license for any one or combination of the following:

- (1) Material misstatement in furnishing information to the Department.
- (2) Violations of this Act, or of the rules promulgated under this Act.
- (3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession. Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or that is a misdemeanor, an essential element of which is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules promulgated under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Malpractice. Gross malpractice.

(7) Aiding or assisting another person in violating any provision of this Act or rules promulgated under this Act.

(8) Failing, within 60 days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(11) Discipline by another state, the District of Columbia, a territory of the United States, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate or other form of compensation for professional services not actually or personally rendered.

(13) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to, false records filed with State agencies or departments.

(15) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(16) Solicitation of professional services other than permitted advertising.

(17) Conviction of or cash compromise of a charge or violation of the Illinois Controlled Substances Act regulating narcotics.

(18) Failure to (i) file a tax return, (ii) pay the tax, penalty, or interest shown in a filed return, or (iii) pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the requirements of that tax Act are satisfied.

(19) Conviction by any court of competent jurisdiction, either within or outside this State, of any violation of any law governing the practice of professional geology, if the Department determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(20) Gross, willful, or continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

(21) Practicing under a false or, except as provided by law, an assumed name.

(22) Fraud or misrepresentation in applying for, or procuring, a license to practice as a Licensed Professional Geologist under this Act or in connection with applying for renewal of a license under this Act.

(23) Cheating on or attempting to subvert the licensing examination administered under this Act.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the licensee is no longer subject to the involuntary admission or judicial admission and issues an order so finding and discharging the licensee; and upon the recommendation of the Board to the ~~Secretary Director~~ that the licensee be allowed to resume his or her practice.

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/90)

(Section scheduled to be repealed on January 1, 2016)

Sec. 90. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons rendering or offering to render geological services or any person holding or claiming to hold a license as a Licensed Professional Geologist. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 80 of this Act, at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file a written answer to the charges with the Board under oath within 20 days after the service on him or her of the notice, and (iii) ~~notify inform~~ the accused that, if he or she fails to answer, default will be taken against him or her, ~~and~~ ~~or~~ that his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. At the time and place fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Board may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or subject to any other disciplinary action the Department considers proper ~~may take whatever disciplinary action considered proper~~, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by personal delivery or by certified mail to the licensee's address of record, specified by the accused in his or her last notification with the Department.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/95)

(Section scheduled to be repealed on January 1, 2016)

Sec. 95. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the hearing officer and the Board, and orders of the Department shall be in the record of the proceeding. ~~The Department shall furnish a transcript of such record to any person interested in such hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law (20 ILCS 2105/2105-115).~~

[March 24, 2015]

(Source: P.A. 91-239, eff. 1-1-00.)

(225 ILCS 745/100)

(Section scheduled to be repealed on January 1, 2016)

Sec. 100. Subpoenas; depositions; oaths. The Department has the power to subpoena and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State.

The Secretary Director, the designated hearing officer, and every member of the Board has the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct, and any other oaths authorized in any Act administered by the Department.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/110)

(Section scheduled to be repealed on January 1, 2016)

Sec. 110. Findings and recommendations. At the conclusion of the hearing, the Board shall present to the Secretary Director a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or its rules or failed to comply with the conditions required in this Act or its rules. The Board shall specify the nature of any violations or failure to comply and shall make its recommendations to the Secretary Director. In making recommendations for any disciplinary actions, the Board may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the accused and the potential for future harm to the public, including but not limited to previous discipline of the accused by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made by the accused, and whether the incident or incidents contained in the complaint appear to be isolated or represent a continuing pattern of conduct. In making its recommendations for discipline, the Board shall endeavor to ensure that the severity of the discipline recommended is reasonably related to the severity of the violation.

The report of findings of fact, conclusions of law, and recommendation of the Board shall be the basis for the Department's order refusing to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or otherwise disciplining a licensee. If the Secretary Director disagrees with the recommendations of the Board, the Secretary Director may issue an order in contravention of the Board recommendations. The Secretary Director shall provide a written report to the Board on any disagreement and shall specify the reasons for the action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for a violation of this Act.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/120)

(Section scheduled to be repealed on January 1, 2016)

Sec. 120. Secretary Director;rehearing. Whenever the Secretary Director believes that justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist, or other discipline of an applicant or licensee, he or she may order a rehearing by the same or other examiners.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/125)

(Section scheduled to be repealed on January 1, 2016)

Sec. 125. Appointment of a hearing officer. The Secretary Director has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a person's license to practice as a Licensed Professional Geologist or to discipline a licensee. The hearing officer has full authority to conduct the hearing. Members At least one member of the Board may shall attend each hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary Director. The Board shall have 60 calendar days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary Director. If the Board does not present its report within the 60-day period, the Secretary Director may issue an order based on the report of the hearing officer. If the Secretary Director disagrees with the recommendation of the Board or of the hearing officer, the Secretary Director may issue an order in contravention of the recommendation. The Secretary Director shall promptly provide a written report to the Board on any deviation, and shall specify the reasons for the action in the final order.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/130)

(Section scheduled to be repealed on January 1, 2016)

Sec. 130. Order or certified copy; prima facie proof. An order or certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary Director~~, is prima facie proof that:

- (a) the signature is the genuine signature of the ~~Secretary Director~~;
- (b) the ~~Secretary Director~~ is duly appointed and qualified; and
- (c) the Board and its members are qualified to act.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/135)

(Section scheduled to be repealed on January 1, 2016)

Sec. 135. Restoration of suspended or revoked license. At any time after the successful completion of a term of indefinite probation, suspension, or revocation of a suspension or revocation of a person's license to practice as a Licensed Professional Geologist, the Department may restore it to the licensee, upon the written recommendation of the Board, unless after an investigation and a hearing the Board determines that restoration is not in the public interest.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/145)

(Section scheduled to be repealed on January 1, 2016)

Sec. 145. Summary suspension of a license. The ~~Secretary Director~~ may summarily suspend the license of a Licensed Professional Geologist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 90 of this Act, if the ~~Secretary Director~~ finds that evidence in the ~~Secretary's Director's~~ possession indicates that the continuation of practice by a Licensed Professional Geologist would constitute an imminent danger to the public. In the event that the ~~Secretary Director~~ summarily suspends the license of a Licensed Professional Geologist without a hearing, a hearing must be commenced within 30 days after the suspension has occurred and concluded as expeditiously as practical.

(Source: P.A. 96-1327, eff. 7-27-10.)

(225 ILCS 745/155)

(Section scheduled to be repealed on January 1, 2016)

Sec. 155. Administrative review; certifications ~~Certifications~~ of record; costs. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but, if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file the receipt in court is grounds for dismissal of the action.

During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the Department specified in the Department's final administrative decision shall, as a matter of public policy, remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/162)

(Section scheduled to be repealed on January 1, 2016)

Sec. 162. Civil penalties.

(a) In addition to any other penalty provided by law, any person who violates this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions of this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(d) All moneys collected under this Section shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/165)

[March 24, 2015]

(Section scheduled to be repealed on January 1, 2016)

Sec. 165. Consent order. At any point in the proceedings as provided in Sections 85 through 130 and Section 150, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary Director.

(Source: P.A. 89-366, eff. 7-1-96.)

(225 ILCS 745/170)

(Section scheduled to be repealed on January 1, 2016)

Sec. 170. Illinois Administrative Procedure Act; application. The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of that Act were included in this Act, except that the provision of paragraph (d) of Section 10-65 of the Illinois Administrative Procedure Act, which provides that at hearings the registrant or licensee has the right to show compliance with all lawful requirements for retention or continuation or renewal of the license, is specifically excluded. For the purpose of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is considered sufficient when mailed to the ~~last known~~ address of record a party.

(Source: P.A. 89-366, eff. 7-1-96; 90-655, eff. 7-30-98.)

(225 ILCS 745/180 new)

Sec. 180. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department shall not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

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

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

On motion of Senator Link, **Senate Bill No. 1262** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1262**

AMENDMENT NO. 1. Amend Senate Bill 1262 as follows:

on page 1, line 15, after the period by inserting "This Section shall not apply to any paid television programming, whether transmitted by wire, cable, fiber optics, laser, microwave, radio, satellite, or by similar means.".

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

On motion of Senator Biss, **Senate Bill No. 1265** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Executive.

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

**AMENDMENT NO. 2 TO SENATE BILL 1265**

AMENDMENT NO. 2. Amend Senate Bill 1265 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 1A-16.5 as follows:

(10 ILCS 5/1A-16.5)

(Text of Section before amendment by P.A. 98-1171)

[March 24, 2015]

Sec. 1A-16.5. Online voter registration.

(a) The State Board of Elections shall establish and maintain a system for online voter registration that permits a person to apply to register to vote or to update his or her existing voter registration. In accordance with technical specifications provided by the State Board of Elections, each election authority shall maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the online voter registration system established by the State Board of Elections.

(b) The online voter registration system shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this Section.

(c) The Board may receive voter registration information provided by applicants using the State Board of Elections' website, may cross reference that information with data or information contained in the Secretary of State's database in order to match the information submitted by applicants, and may receive from the Secretary of State the applicant's digitized signature upon a successful match of that applicant's information with that contained in the Secretary of State's database.

(d) Notwithstanding any other provision of law, a person who is qualified to register to vote and who has an authentic Illinois driver's license or State identification card issued by the Secretary of State may submit an application to register to vote electronically on a website maintained by the State Board of Elections.

(e) An online voter registration application shall contain all of the information that is required for a paper application as provided in Section 1A-16 of this Code, except that the applicant shall be required to provide:

- (1) the applicant's full Illinois driver's license or State identification card number;
- (2) the last 4 digits of the applicant's social security number; and
- (3) the date the Illinois driver's license or State identification card was issued.

(f) For an applicant's registration or change in registration to be accepted, the applicant shall mark the box associated with the following statement included as part of the online voter registration application:

"By clicking on the box below, I swear or affirm all of the following:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Illinois.

(2) All the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Secretary of State to transmit to the State Board of Elections my signature that is on file with the Secretary of State and understand that such signature will be used by my local election authority on this online voter registration application for admission as an elector as if I had signed this form personally."

(g) Immediately upon receiving a completed online voter registration application, the online voter registration system shall send, by electronic mail, a confirmation notice that the application has been received. Within 48 hours of receiving such an application, the online voter registration system shall send by electronic mail, a notice informing the applicant of whether the following information has been matched with the Secretary of State database:

(1) that the applicant has an authentic Illinois driver's license or State identification card issued by the Secretary of State and that the driver's license or State identification number provided by the applicant matches the driver's license or State identification card number for that person on file with the Secretary of State;

(2) that the date of issuance of the Illinois driver's license or State identification card listed on the application matches the date of issuance of that card for that person on file with the Secretary of State;

(3) that the date of birth provided by the applicant matches the date of birth for that person on file with the Secretary of State; and

(4) that the last 4 digits of the applicant's social security number matches the last 4 digits for that person on file with the Secretary of State.

(h) If the information provided by the applicant matches the information on the Secretary of State's databases for any driver's license and State identification card holder and is matched as provided in subsection (g) above, the online voter registration system shall:

(1) retrieve from the Secretary of State's database files an electronic copy of the applicant's signature from his or her Illinois driver's license or State identification card and such signature shall be deemed to be the applicant's signature on his or her online voter registration application;

(2) within 2 days of receiving the application, forward to the county clerk or board of



election commissioners having jurisdiction over the applicant's voter registration: (i) the application, along with the applicant's relevant data that can be directly loaded into the jurisdiction's voter registration system and (ii) a copy of the applicant's electronic signature and a certification from the State Board of Elections that the applicant's driver's license or State identification card number, driver's license or State identification card date of issuance, and date of birth and social security information have been successfully matched.

(i) Upon receipt of the online voter registration application, the county clerk or board of election commissioners having jurisdiction over the applicant's voter registration shall promptly search its voter registration database to determine whether the applicant is already registered to vote at the address on the application and whether the new registration would create a duplicate registration. If the applicant is already registered to vote at the address on the application, the clerk or board, as the case may be, shall send the applicant by first class mail, and electronic mail if the applicant has provided an electronic mail address on the original voter registration form for that address, a disposition notice as otherwise required by law informing the applicant that he or she is already registered to vote at such address. If the applicant is not already registered to vote at the address on the application and the applicant is otherwise eligible to register to vote, the clerk or board, as the case may be, shall:

(1) enter the name and address of the applicant on the list of registered voters in the jurisdiction; and

(2) send by mail, and electronic mail if the applicant has provided an electronic mail address on the voter registration form, a disposition notice to the applicant as otherwise provided by law setting forth the applicant's name and address as it appears on the application and stating that the person is registered to vote.

(j) An electronic signature of the person submitting a duplicate registration application or a change of address form that is retrieved and imported from the Secretary of State's driver's license or State identification card database as provided herein may, in the discretion of the clerk or board, be substituted for and replace any existing signature for that individual in the voter registration database of the county clerk or board of election commissioners.

(k) Any new registration or change of address submitted electronically as provided in this Section shall become effective as of the date it is received by the county clerk or board of election commissioners having jurisdiction over said registration. Disposition notices prescribed in this Section shall be sent within 5 business days of receipt of the online application or change of address by the county clerk or board of election commissioners.

(l) All provisions of this Code governing voter registration and applicable thereto and not inconsistent with this Section shall apply to online voter registration under this Section. All applications submitted on a website maintained by the State Board of Elections shall be deemed timely filed if they are submitted no later than 11:59 p.m. on the final day for voter registration prior to an election. After the registration period for an upcoming election has ended and until the 2nd day following such election, the web page containing the online voter registration form on the State Board of Elections website shall inform users of the procedure for grace period voting.

(m) The State Board of Elections shall maintain a list of the name, street address, e-mail address, and likely precinct, ward, township, and district numbers, as the case may be, of people who apply to vote online through the voter registration system and those names and that information shall be stored in an electronic format on its website, arranged by county and accessible to State and local political committees.

(n) The Illinois State Board of Elections shall submit a report to the General Assembly and the Governor by January 31, 2014 detailing the progress made to implement the online voter registration system described in this Section.

(o) The online voter registration system provided for in this Section shall be fully operational by July 1, 2014.

(Source: P.A. 98-115, eff. 7-29-13; 98-756, eff. 7-16-14.)

(Text of Section after amendment by P.A. 98-1171)

Sec. 1A-16.5. Online voter registration.

(a) The State Board of Elections shall establish and maintain a system for online voter registration that permits a person to apply to register to vote or to update his or her existing voter registration. In accordance with technical specifications provided by the State Board of Elections, each election authority shall maintain a voter registration system capable of receiving and processing voter registration application information, including electronic signatures, from the online voter registration system established by the State Board of Elections.

(b) The online voter registration system shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this Section.

(c) The Board may receive voter registration information provided by applicants using the State Board of Elections' website, may cross reference that information with data or information contained in the Secretary of State's database in order to match the information submitted by applicants, and may receive from the Secretary of State the applicant's digitized signature upon a successful match of that applicant's information with that contained in the Secretary of State's database.

(d) Notwithstanding any other provision of law, a person who is qualified to register to vote and who has an authentic Illinois driver's license or State identification card issued by the Secretary of State may submit an application to register to vote electronically on a website maintained by the State Board of Elections.

(e) An online voter registration application shall contain all of the information that is required for a paper application as provided in Section 1A-16 of this Code, except that the applicant shall be required to provide:

- (1) the applicant's full Illinois driver's license or State identification card number;
- (2) the last 4 digits of the applicant's social security number; and
- (3) the date the Illinois driver's license or State identification card was issued.

(f) For an applicant's registration or change in registration to be accepted, the applicant shall mark the box associated with the following statement included as part of the online voter registration application:

"By clicking on the box below, I swear or affirm all of the following:

(1) I am the person whose name and identifying information is provided on this form, and I desire to register to vote in the State of Illinois.

(2) All the information I have provided on this form is true and correct as of the date I am submitting this form.

(3) I authorize the Secretary of State to transmit to the State Board of Elections my signature that is on file with the Secretary of State and understand that such signature will be used by my local election authority on this online voter registration application for admission as an elector as if I had signed this form personally."

(g) Immediately upon receiving a completed online voter registration application, the online voter registration system shall send, by electronic mail, a confirmation notice that the application has been received. Within 48 hours of receiving such an application, the online voter registration system shall send by electronic mail, a notice informing the applicant of whether the following information has been matched with the Secretary of State database:

(1) that the applicant has an authentic Illinois driver's license or State identification card issued by the Secretary of State and that the driver's license or State identification number provided by the applicant matches the driver's license or State identification card number for that person on file with the Secretary of State;

(2) that the date of issuance of the Illinois driver's license or State identification card listed on the application matches the date of issuance of that card for that person on file with the Secretary of State;

(3) that the date of birth provided by the applicant matches the date of birth for that person on file with the Secretary of State; and

(4) that the last 4 digits of the applicant's social security number matches the last 4 digits for that person on file with the Secretary of State.

(h) If the information provided by the applicant matches the information on the Secretary of State's databases for any driver's license and State identification card holder and is matched as provided in subsection (g) above, the online voter registration system shall:

(1) retrieve from the Secretary of State's database files an electronic copy of the applicant's signature from his or her Illinois driver's license or State identification card and such signature shall be deemed to be the applicant's signature on his or her online voter registration application;

(2) within 2 days of receiving the application, forward to the county clerk or board of election commissioners having jurisdiction over the applicant's voter registration: (i) the application, along with the applicant's relevant data that can be directly loaded into the jurisdiction's voter registration system and (ii) a copy of the applicant's electronic signature and a certification from the State Board of Elections that the applicant's driver's license or State identification card number, driver's license or State identification card date of issuance, and date of birth and social security information have been successfully matched.

(i) Upon receipt of the online voter registration application, the county clerk or board of election commissioners having jurisdiction over the applicant's voter registration shall promptly search its voter registration database to determine whether the applicant is already registered to vote at the address on the application and whether the new registration would create a duplicate registration. If the applicant is already registered to vote at the address on the application, the clerk or board, as the case may be, shall send the applicant by first class mail, and electronic mail if the applicant has provided an electronic mail address on the original voter registration form for that address, a disposition notice as otherwise required by law informing the applicant that he or she is already registered to vote at such address. If the applicant is not already registered to vote at the address on the application and the applicant is otherwise eligible to register to vote, the clerk or board, as the case may be, shall:

(1) enter the name and address of the applicant on the list of registered voters in the jurisdiction; and

(2) send by mail, and electronic mail if the applicant has provided an electronic mail address on the voter registration form, a disposition notice to the applicant as otherwise provided by law setting forth the applicant's name and address as it appears on the application and stating that the person is registered to vote.

(j) An electronic signature of the person submitting a duplicate registration application or a change of address form that is retrieved and imported from the Secretary of State's driver's license or State identification card database as provided herein may, in the discretion of the clerk or board, be substituted for and replace any existing signature for that individual in the voter registration database of the county clerk or board of election commissioners.

(k) Any new registration or change of address submitted electronically as provided in this Section shall become effective as of the date it is received by the county clerk or board of election commissioners having jurisdiction over said registration. Disposition notices prescribed in this Section shall be sent within 5 business days of receipt of the online application or change of address by the county clerk or board of election commissioners.

(l) All provisions of this Code governing voter registration and applicable thereto and not inconsistent with this Section shall apply to online voter registration under this Section. Notwithstanding any other deadlines for voter registration or grace period registrations, all All applications submitted on a website maintained by the State Board of Elections shall be deemed timely filed if they are submitted no later than 11:59 p.m. on the ~~16th day~~ final day for voter registration prior to an election. After the online registration period for an upcoming election has ended and until the 2nd day following such election, the web page containing the online voter registration form on the State Board of Elections website shall inform users of the procedure for grace period voting.

(m) The State Board of Elections shall maintain a list of the name, street address, e-mail address, and likely precinct, ward, township, and district numbers, as the case may be, of people who apply to vote online through the voter registration system and those names and that information shall be stored in an electronic format on its website, arranged by county and accessible to State and local political committees.

(n) The Illinois State Board of Elections shall develop or cause to be developed an online voter registration system able to be accessed by at least the top two most used mobile electronic operating systems by January 1, 2016.

(o) (Blank).

(p) Each State department that maintains an Internet website must include a hypertext link to the homepage website maintained and operated pursuant to this Section 1A-16.5. For the purposes of this Section, "State department" means the departments of State Government listed in Section 5-15 of the Civil Administrative Code of Illinois (General Provisions and Departments of State Government). (Source: P.A. 98-115, eff. 7-29-13; 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1308** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Barickman, **Senate Bill No. 1322** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 1371** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1371**

AMENDMENT NO. 1. Amend Senate Bill 1371 as follows:

on page 1, line 8, by replacing "vehicle" with "vehicle, but does not include remote controlled devices incapable of flight without attached support between the ground and the device"; and

on page 5, line 5, by replacing "unless 24 hours have passed since" with "until the next calendar day after".

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

On motion of Senator McCann, **Senate Bill No. 1388** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1388**

AMENDMENT NO. 1. Amend Senate Bill 1388 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 11-303 and 11-304 as follows: (625 ILCS 5/11-303) (from Ch. 95 1/2, par. 11-303)

Sec. 11-303. The Department to place signs on all State highways.

(a) The Department shall place and maintain such traffic-control devices, conforming to its manual and specifications on all highways under its jurisdiction as it shall deem necessary to indicate and to carry out the provisions of this Chapter or to regulate, warn or guide traffic. These traffic control devices shall include temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department except by the latter's permission.

(c) The Department shall erect and maintain guide, warning and direction signs upon highways in cities, towns and villages of which portions or lanes of such highways are under the control and jurisdiction of the Department or for which the Department has maintenance responsibility.

(d) Nothing in this Chapter shall divest the corporate authorities of park districts of power to prohibit or restrict the use of highways under their jurisdiction by certain types or weights of motor vehicles or the power of cities, villages, incorporated towns and park districts to designate highways for one-way traffic or the power of such municipal corporations to erect and maintain appropriate signs respecting such uses.

(e) Nothing in this Section shall prohibit a municipality, township, or county from erecting signs as required under the Illinois Adopt-A-Highway Act.

(Source: P.A. 87-1118.)

(625 ILCS 5/11-304) (from Ch. 95 1/2, par. 11-304)

Sec. 11-304. Local traffic-control devices; tourist oriented businesses signs.

Local authorities in their respective maintenance jurisdiction shall place and maintain such traffic-control devices, including temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual, upon highways under their maintenance jurisdiction as are required to indicate and carry out the provisions of this Chapter, and local traffic ordinances or to regulate, warn, or guide traffic. All such traffic control devices shall conform to the State Manual and Specifications and shall be justified by traffic warrants stated in the Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations

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in the State Manual, unless circumstances require longer placement. Placement of traffic-control devices on township or road district roads also shall be subject to the written approval of the county engineer or superintendent of highways.

Local authorities in their respective maintenance jurisdictions shall have the authority to install signs, in conformance with the State Manual and specifications, alerting motorists of the tourist oriented businesses available on roads under local jurisdiction in rural areas as may be required to guide motorists to the businesses. The local authorities and road district highway commissioners shall also have the authority to sell or lease space on these signs to the owners or operators of the businesses.

(Source: P.A. 93-177, eff. 7-11-03.)".

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

On motion of Senator Harmon, **Senate Bill No. 1407** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

**AMENDMENT NO. 1 TO SENATE BILL 1407**

AMENDMENT NO. 1. Amend Senate Bill 1407 by replacing everything after the enacting clause with the following:

"Section 5. The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 is amended by changing Section 10-5 as follows:

(225 ILCS 447/10-5)

(Section scheduled to be repealed on January 1, 2024)

Sec. 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide ~~the~~ the functions of a private detective, private security contractor, private alarm contractor, fingerprint vendor, or locksmith or to advertise or to assume to act as any one of these, or to use these or any other title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" or assumed name certification without having to obtain an agency license, so long as the assumed name is first registered with the Department.

(b) It is unlawful for a person, firm, corporation, or other legal entity to act as an agency licensed under this Act, to advertise, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, fingerprint vendor agency, or locksmith agency unless licensed by the Department.

(c) No agency shall operate a branch office without first applying for and receiving a branch office license for each location.

(d) Beginning 12 months after the adoption of rules providing for the licensure of fingerprint vendors under this Act, it is unlawful for a person to operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to the Department of State Police, unless he or she has successfully completed a fingerprint training course conducted or authorized by the Department of State Police and is licensed as a fingerprint vendor.

(e) Beginning 12 months after the adoption of rules providing for the licensure of canine handlers and canine trainers under this Act, no person shall operate a canine training facility unless licensed as a private detective agency or private security contractor agency under this Act, and no person shall act as a canine trainer unless he or she is licensed as a private detective or private security contractor or is a registered employee of a private detective agency or private security contractor agency approved by the Department. (Source: P.A. 95-613, eff. 9-11-07.)".

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

On motion of Senator Anderson, **Senate Bill No. 1422** having been printed, was taken up, read by title a second time.

[March 24, 2015]

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

**AMENDMENT NO. 1 TO SENATE BILL 1422**

AMENDMENT NO. 1. Amend Senate Bill 1422 by replacing everything after the enacting clause with the following:

"Section 5. The Wildlife Code is amended by changing Section 2.5 as follows:  
(520 ILCS 5/2.5)

Sec. 2.5. Crossbow conditions.

(a) A person may use a crossbow if one or more of the following conditions are met:

- (1) the user is a person age 62 and older;
- (2) the user is a handicapped person to whom the Director has issued a permit to use a crossbow, as provided by administrative rule; or
- (3) the date of using the crossbow is during the period of the second Monday following the Thanksgiving holiday through the last day of the archery deer hunting season (both inclusive) set annually by the Director.

(b) As used in this Section, "handicapped person" means a person who has a physical impairment due to injury or disease, congenital or acquired, which renders the person them so severely disabled as to be unable to use a longbow, recurve bow, or compound bow. Permits must be issued only after the receipt of a physician's statement confirming the applicant is handicapped as defined above.

(c) A person may use a crossbow to take coyotes at any time that it is legal to use a bow and arrow to take coyotes.

(Source: P.A. 97-907, eff. 8-7-12; revised 12-10-14.)

Section 99. Effective date. This Act takes effect January 1, 2016."

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

On motion of Senator Bush, **Senate Bill No. 1426** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bertino-Tarrant, **Senate Bill No. 1504** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities and Pensions, adopted and ordered printed:

**AMENDMENT NO. 1 TO SENATE BILL 1504**

AMENDMENT NO. 1. Amend Senate Bill 1504 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Optometric Practice Act of 1987 is amended by changing Sections 12, 22, and 24 as follows:

(225 ILCS 80/12) (from Ch. 111, par. 3912)

(Section scheduled to be repealed on January 1, 2017)

Sec. 12. Applications for licenses. Applications for original licenses shall be made to the Department in writing or electronically on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

~~Applicants who meet all other conditions for licensure and who will be practicing optometry in a residency program approved by the Board may apply for and receive a limited one-year license to practice optometry as a resident in the program. The holder of a valid one-year residency license may perform those acts prescribed by and incidental to the residency license holder's program of residency training, with the same privileges and responsibilities as a fully licensed optometrist, but may not otherwise engage in the practice of optometry in this State, unless fully licensed under this Act.~~

[March 24, 2015]

The Department may revoke a one-year residency license upon proof that the residency license holder has engaged in the practice of optometry in this State outside of his or her residency program or if the residency license holder fails to supply the Department, within 10 days after its request, with information concerning his or her current status and activities in the residency program.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/22) (from Ch. 111, par. 3922)

(Section scheduled to be repealed on January 1, 2017)

Sec. 22. Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered provided that such advertising is truthful and not misleading and is in conformity with rules promulgated by the Department.

It is unlawful for any person licensed under this Act to use testimonials or claims of superior quality of care to entice the public.

(Source: P.A. 92-451, eff. 8-21-01.)

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the causes set forth in subsection (a-3) of this Section. All fines collected under this Section shall be deposited in the Optometric Licensing and Disciplinary Board Fund.

(a-3) Grounds for disciplinary action include the following:

- (1) Violations of this Act, or of the rules promulgated hereunder.
- (2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.
- (3) Making any misrepresentation for the purpose of obtaining a license.
- (4) Professional incompetence or gross negligence in the practice of optometry.
- (5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.
- (6) Aiding or assisting another person in violating any provision of this Act or rules.
- (7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.
- (8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.
- (10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.
- (11) Violation of the prohibition against fee splitting in Section 24.2 of this Act.
- (12) A finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation.
- (13) Abandonment of a patient.
- (14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments.
- (15) Willfully failing to report an instance of suspected abuse or neglect as required by law.
- (16) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.
- (17) Solicitation of professional services other than permitted advertising.
- (18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law.
- (19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal

court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(20) A finding that licensure has been applied for or obtained by fraudulent means.

(21) Continued practice by a person knowingly having an infectious or contagious disease.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(23) Practicing or attempting to practice under a name other than the full name as shown on his or her license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated unless the licensee is employed by and practicing at a location that is licensed as a hospital or accredited as a school or university.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act.

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

(a-5) In enforcing this Section, the Board upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination.

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Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(Source: P.A. 96-378, eff. 1-1-10; 96-608, eff. 8-24-09; 96-1000, eff. 7-2-10; 97-1028, eff. 1-1-13)."

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

On motion of Senator Link, **Senate Bill No. 1583** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1590** having been printed, was taken up, read by title a second time.

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

#### **AMENDMENT NO. 1 TO SENATE BILL 1590**

AMENDMENT NO. 1. Amend Senate Bill 1590 on page 25, immediately below line 12, by inserting the following:

"Section 5. The Uniform Environmental Covenants Act is amended by changing Sections 2 and 11 as follows:

(765 ILCS 122/2)

Sec. 2. Definitions. In this Act:

(4) "Activity and use limitations" means restrictions or obligations created under this Act with respect to real property.

(2) "Agency" means the Illinois Environmental Protection Agency or any other State or federal agency that determines or approves the environmental response project pursuant to which the environmental covenant is created.

"Board" means the Pollution Control Board established by the Environmental Protection Act.

(3) "Common interest community" means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.

(4) "Environmental covenant" means a servitude ~~that (i) arises arising~~ under an environmental response project ~~or under a court or Board order and (ii) that~~ imposes activity and use limitations.

(5) "Environmental response project" means a plan or work that is:

(1) approved or overseen by an agency; and

(2) performed for environmental remediation of any site or facility in response to contamination at any one or more of real property at the following sites or facilities:

(A) ~~all~~ sites or facilities that are listed as proposed or final on the National

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Priorities List pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(B) ~~all~~ sites or facilities undergoing remediation pursuant to an administrative order issued pursuant to Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(C) ~~all~~ sites or facilities that are or were formerly owned or operated by a department, agency, or instrumentality of the United States that are undergoing remediation pursuant to Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(D) ~~all~~ sites or facilities undergoing remediation pursuant to a settlement agreement pursuant to Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.);

(E) ~~all~~ sites or facilities undergoing remediation pursuant to Section 3008(h) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.);

(F) ~~all~~ sites or facilities undergoing remediation pursuant to Section 7003 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.); ~~or~~

(G) ~~all~~ sites or facilities undergoing remediation pursuant to a court or Board order issued pursuant to the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.) with the approval of the Agency; ~~or -~~

(H) sites or facilities undergoing remediation pursuant to a Compliance Commitment Agreement entered into under Section 31 of the Environmental Protection Act.

(6) "Holder" means the grantee of an environmental covenant as specified in Section 3(a).

(7) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(8) "Prior interest" means a preceding or senior interest, in time or in right, that is recorded with respect to the real property, including but not limited to a mortgage, easement, or other interest, lien, or encumbrance predating the recording of an environmental covenant.

(9) "Record", used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(Source: P.A. 95-845, eff. 1-1-09.)

(765 ILCS 122/11)

Sec. 11. Enforcement of environmental covenant.

(a) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by:

(1) A party to the covenant.

(2) The agency or, if it is not the agency, the Illinois Environmental Protection Agency.

(3) Any person to whom the covenant expressly grants power to enforce.

(4) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the covenant.

(5) A municipality or other unit of local government in which the real property subject to the covenant is located.

(6) Any agency that is enforcing the terms of any court or Board order.

(b) This Act does not limit the regulatory authority of the agency or the Illinois Environmental Protection Agency under law other than this Act with respect to an environmental response project.

(c) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.

(Source: P.A. 95-845, eff. 1-1-09)."

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

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

On motion of Senator Radogno, **Senate Bill No. 1605** having been printed, was taken up, read by title a second time.

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

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**AMENDMENT NO. 1 TO SENATE BILL 1605**

AMENDMENT NO. 1. Amend Senate Bill 1605 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-22.44 as follows:

(105 ILCS 5/10-22.44) (from Ch. 122, par. 10-22.44)

Sec. 10-22.44. To transfer the interest earned from any moneys of the district in the respective fund of the district that is most in need of such interest income, as determined by the board. This Section does not apply to any interest earned which has been earmarked or restricted by the board for a designated purpose. This Section does not apply to any interest earned on any funds for purposes of Illinois Municipal Retirement under the Pension Code, Tort Immunity under the Local Governmental and Governmental Employees Tort Immunity Act, Fire Prevention, Safety, Energy Conservation and School Security Purposes under Section 17-2.11, and Capital Improvements under Section 17-2.3. Interest earned on these exempted funds shall be used only for the purposes authorized for the respective exempted funds from which the interest earnings were derived.

Any high school district whose territory is in 2 counties and that is eligible for Section 8002 Federal Impact Aid may make a one-time declaration as to interest income (earnings on investments) not previously declared as such from 1998 through 2011 in the debt service fund, declaring said moneys as interest earnings on or before June 30, 2016. Any such earnings income so declared shall thereafter, for purposes of this Code, be considered interest earnings and shall be subject to all provisions of this Code related thereto.

(Source: P.A. 87-984.)

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

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

On motion of Senator Link, **Senate Bill No. 1622** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Stadelman, **Senate Bill No. 1645** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 1665** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1665**

AMENDMENT NO. 1. Amend Senate Bill 1665 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by changing Section 1-113 as follows:

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

Sec. 1-113. "Facility" or "long-term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act. It also includes homes, institutions, or other places operated by or under the authority of the Illinois Department of Veterans' Affairs.

"Facility" does not include the following:

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

(2) A hospital, sanitarium, or other institution whose principal activity or business is

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the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

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

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

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

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

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

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

(9) Any "supportive living facility" in good standing with the program established under Section 5-5.01a of the Illinois Public Aid Code, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(10) Any assisted living or shared housing establishment licensed under the Assisted Living and Shared Housing Act, except only for purposes of the employment of persons in accordance with Section 3-206.01;

(11) An Alzheimer's disease management center alternative health care model licensed under the Alternative Health Care Delivery Act;

(12) A facility licensed under the ID/DD Community Care Act; or

(13) A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013; or

(14) A medical foster home, as defined in 38 CFR 17.73, that is under the oversight of the United States Department of Veterans Affairs.

(Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813, eff. 7-13-12; 98-104, eff. 7-22-13.)"

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

On motion of Senator Rose, **Senate Bill No. 1714** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **Senate Bill No. 1803** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Commerce and Economic Development.

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

On motion of Senator Hunter, **Senate Bill No. 1808** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1853** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1854** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 1893** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 1894** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **Senate Bill No. 1921** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Bivins, **Senate Bill No. 1938** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:16 o'clock p.m., the Chair announced that the Senate stand at ease.

**AT EASE**

At the hour of 1:17 o'clock p.m., the Senate resumed consideration of business.  
Senator Sullivan, presiding.

**APPOINTMENT MESSAGES**

**Appointment Message No. 990126**

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

I, Bruce Rauner, 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 (Employees)

Agency or Other Body: Illinois Workers' Compensation Commission

Start Date: March 20, 2015

End Date: January 21, 2019

Name: Charles DeVriendt

Residence: 430 Rossford Lane, New Lenox, IL 60451

Annual Compensation: \$119,840

Per diem: Not Applicable

Nominee's Senator: Senator Michael E. Hastings

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990127**

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

I, Bruce Rauner, 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 Community College Board

Start Date: March 20, 2015

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End Date: June 30, 2015

Name: Terry Bruce

Residence: 423 S. Elliott St., Olney, IL 62450

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Dale A. Righter

Most Recent Holder of Office: Rodolfo Valdez

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990128**

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

I, Bruce Rauner, 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: Executive Ethics Commission

Start Date: March 23, 2015

End Date: June 30, 2015

Name: James Schink

Residence: 1530 N. State Parkway, Chicago, IL 60610

Annual Compensation: \$37,571

Per diem: Not Applicable

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Howard Learner

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990129**

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

I, Bruce Rauner, 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: Executive Ethics Commission

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Start Date: March 23, 2015

End Date: June 30, 2015

Name: Stephen B. Schnorf

Residence: 701 Heathrow Lane, Rochester, IL 62563

Annual Compensation: \$37,571

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: Spencer Leak

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990130**

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

I, Bruce Rauner, 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: Assistant Director

Agency or Other Body: Illinois Department of Public Health

Start Date: March 23, 2015

End Date: January 16, 2017

Name: Michelle Gentry-Wiseman

Residence: 204 Fox Creek Lane, Chatham, IL 62629

Annual Compensation: \$127,739

Per diem: Not Applicable

Nominee's Senator: Senator Wm. Sam McCann

Most Recent Holder of Office: David Gill

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990131**

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

I, Bruce Rauner, 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.

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Title of Office: Assistant Director

Agency or Other Body: Illinois Department of Central Management Services

Start Date: March 23, 2015

End Date: January 16, 2017

Name: Kimberly McCullough Starks

Residence: 10528 S. Wood St., Chicago, IL 60643

Annual Compensation: \$121,029

Per diem: Not Applicable

Nominee's Senator: Senator Bill Cunningham

Most Recent Holder of Office: Israel Salazar

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990132**

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

I, Bruce Rauner, 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: Assistant Director

Agency or Other Body: Illinois Department of Veterans' Affairs

Start Date: March 23, 2015

End Date: January 16, 2017

Name: Harry F. Sawyer

Residence: 1033 Charing Cross Rd., Lombard, IL 60148

Annual Compensation: \$98,543

Per diem: Not Applicable

Nominee's Senator: Senator Chris Nybo

Most Recent Holder of Office: Rodrigo Garcia

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990133**

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

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I, Bruce Rauner, 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: Director, Division of Professional Regulation

Agency or Other Body: Illinois Department of Financial and Professional Regulation

Start Date: March 23, 2015

End Date: January 16, 2017

Name: Jay Stewart

Residence: 2236 Catherine St., Northbrook, IL 60062

Annual Compensation: \$124,090

Per diem: Not Applicable

Nominee's Senator: Senator Julie A. Morrison

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990134**

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

I, Bruce Rauner, 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: Metropolitan Pier and Exposition Authority Board

Start Date: March 23, 2015

End Date: June 1, 2018

Name: David Kahnweiler

Residence: 1070 Westmoor Rd., Winnetka, IL 60093

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Becky Strzechowski

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990135**

[March 24, 2015]

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Ford County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Janet Brewer

Residence: 349 S. Taft St., Paxton, IL 60957

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Jason A. Barickman

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990136**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Knox County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Dawn A. Conolly

Residence: 656 N. Prairie St., Galesburg, IL 61401

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Darin M. LaHood

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

[March 24, 2015]

**Appointment Message No. 990137**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Douglas County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Kristi Heath

Residence: 9 N. Prairieview Ave., Tuscola, IL 61953

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Chapin Rose

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990138**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Saline County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Tammi Jackson

Residence: 1816 Barnett Rd., Harrisburg, IL 62946

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator Gary Forby

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Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990139**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Brown County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Janet G. Miley

Residence: 2 Ingleside Drive, Mount Sterling, IL 62353

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator John M. Sullivan

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990140**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Jackson County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Shannon Rieckenberg

Residence: 93 Morber Rd., Ava, IL 62907

Annual Compensation: Not Applicable

Per diem: Not Applicable

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Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990141**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Mason County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Matthew J. Stropes

Residence: 1908 Quail Hollow Rd., Pekin, IL 61554

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator David Koehler

Most Recent Holder of Office: Charles L. McNeil

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990142**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Tazewell County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Matthew J. Stropes

Residence: 1908 Quail Hollow Rd., Pekin, IL 61554

[March 24, 2015]

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator David Koehler

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 990143**

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

I, Bruce Rauner, 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: Public Administrator and Public Guardian

Agency or Other Body: Monroe County

Start Date: March 23, 2015

End Date: December 4, 2017

Name: Arlie Traughber

Residence: 605 W. Legion Ave., Columbia, IL 62236

Annual Compensation: Not Applicable

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

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.

**LEGISLATIVE MEASURES FILED**

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

Committee Amendment No. 1 to Senate Joint Resolution 11  
 Committee Amendment No. 1 to Senate Joint Resolution 16  
 Committee Amendment No. 1 to Senate Resolution 142

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

Committee Amendment No. 2 to Senate Bill 13  
 Committee Amendment No. 1 to Senate Bill 59

[March 24, 2015]

Committee Amendment No. 2 to Senate Bill 66  
Committee Amendment No. 2 to Senate Bill 70  
Committee Amendment No. 1 to Senate Bill 90  
Committee Amendment No. 1 to Senate Bill 112  
Committee Amendment No. 1 to Senate Bill 218  
Committee Amendment No. 1 to Senate Bill 451  
Committee Amendment No. 1 to Senate Bill 543  
Committee Amendment No. 2 to Senate Bill 543  
Committee Amendment No. 1 to Senate Bill 661  
Committee Amendment No. 1 to Senate Bill 666  
Committee Amendment No. 2 to Senate Bill 691  
Committee Amendment No. 2 to Senate Bill 728  
Committee Amendment No. 1 to Senate Bill 836  
Committee Amendment No. 1 to Senate Bill 850  
Committee Amendment No. 2 to Senate Bill 874  
Committee Amendment No. 1 to Senate Bill 1202  
Committee Amendment No. 1 to Senate Bill 1211  
Committee Amendment No. 1 to Senate Bill 1231  
Committee Amendment No. 1 to Senate Bill 1256  
Committee Amendment No. 1 to Senate Bill 1268  
Committee Amendment No. 1 to Senate Bill 1318  
Committee Amendment No. 1 to Senate Bill 1381  
Committee Amendment No. 1 to Senate Bill 1382  
Committee Amendment No. 1 to Senate Bill 1393  
Committee Amendment No. 1 to Senate Bill 1403  
Committee Amendment No. 1 to Senate Bill 1427  
Committee Amendment No. 1 to Senate Bill 1455  
Committee Amendment No. 2 to Senate Bill 1485  
Committee Amendment No. 1 to Senate Bill 1503  
Committee Amendment No. 1 to Senate Bill 1526  
Committee Amendment No. 1 to Senate Bill 1596  
Committee Amendment No. 1 to Senate Bill 1600  
Committee Amendment No. 1 to Senate Bill 1637  
Committee Amendment No. 1 to Senate Bill 1655  
Committee Amendment No. 1 to Senate Bill 1656  
Committee Amendment No. 1 to Senate Bill 1679  
Committee Amendment No. 1 to Senate Bill 1710  
Committee Amendment No. 1 to Senate Bill 1726  
Committee Amendment No. 1 to Senate Bill 1729  
Committee Amendment No. 1 to Senate Bill 1745  
Committee Amendment No. 1 to Senate Bill 1746  
Committee Amendment No. 1 to Senate Bill 1750  
Committee Amendment No. 1 to Senate Bill 1752  
Committee Amendment No. 1 to Senate Bill 1754  
Committee Amendment No. 1 to Senate Bill 1762  
Committee Amendment No. 2 to Senate Bill 1792  
Committee Amendment No. 1 to Senate Bill 1798  
Committee Amendment No. 2 to Senate Bill 1801  
Committee Amendment No. 2 to Senate Bill 1810  
Committee Amendment No. 2 to Senate Bill 1813  
Committee Amendment No. 2 to Senate Bill 1824  
Committee Amendment No. 2 to Senate Bill 1827  
Committee Amendment No. 1 to Senate Bill 1840  
Committee Amendment No. 1 to Senate Bill 1857  
Committee Amendment No. 1 to Senate Bill 1858  
Committee Amendment No. 2 to Senate Bill 1898

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

[March 24, 2015]

Floor Amendment No. 2 to Senate Bill 1309  
 Floor Amendment No. 2 to Senate Bill 1590

### **REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

**Agriculture: Committee Amendment No. 1 to Senate Bill 543; Committee Amendment No. 2 to Senate Bill 543; Committee Amendment No. 1 to Senate Bill 1668.**

**Commerce and Economic Development: Committee Amendment No. 1 to Senate Bill 1626.**

**Criminal Law: Committee Amendment No. 1 to Senate Bill 32; Committee Amendment No. 1 to Senate Bill 845; Committee Amendment No. 1 to Senate Bill 1389; Committee Amendment No. 1 to Senate Bill 1798.**

**Education: Committee Amendment No. 1 to Senate Bill 7; Committee Amendment No. 1 to Senate Joint Resolution 16; Committee Amendment No. 1 to Senate Bill 220; Committee Amendment No. 1 to Senate Bill 1455; Committee Amendment No. 1 to Senate Bill 1591; Committee Amendment No. 1 to Senate Bill 1679.**

**Energy and Public Utilities: Committee Amendment No. 2 to Senate Bill 66; Committee Amendment No. 1 to Senate Bill 451; Committee Amendment No. 1 to Senate Bill 1445; Committee Amendment No. 1 to Senate Bill 1446; Committee Amendment No. 1 to Senate Bill 1726; Committee Amendment No. 1 to Senate Bill 1879.**

**Environment and Conservation: Committee Amendment No. 1 to Senate Bill 1202; Committee Amendment No. 1 to Senate Bill 1485; Committee Amendment No. 2 to Senate Bill 1485; Committee Amendment No. 1 to Senate Bill 1518; Committee Amendment No. 1 to Senate Bill 1840; Committee Amendment No. 1 to Senate Bill 1858.**

**Executive: Committee Amendment No. 1 to Senate Bill 37; Floor Amendment No. 3 to Senate Bill 52; Committee Amendment No. 1 to Senate Bill 218; Committee Amendment No. 1 to Senate Bill 343; Committee Amendment No. 1 to Senate Bill 839; Committee Amendment No. 1 to Senate Bill 986; Committee Amendment No. 1 to Senate Bill 987; Committee Amendment No. 1 to Senate Bill 1256; Committee Amendment No. 1 to Senate Bill 1260; Committee Amendment No. 1 to Senate Bill 1403; Committee Amendment No. 1 to Senate Bill 1516; Committee Amendment No. 1 to Senate Bill 1600; Committee Amendment No. 1 to Senate Bill 1611; Committee Amendment No. 1 to Senate Bill 1794; Committee Amendment No. 1 to Senate Bill 1795; Committee Amendment No. 1 to Senate Bill 1796; Committee Amendment No. 2 to Senate Bill 1813; Committee Amendment No. 2 to Senate Bill 1898.**

**Financial Institutions: Committee Amendment No. 1 to Senate Resolution 142; Committee Amendment No. 1 to Senate Bill 1539; Committee Amendment No. 1 to Senate Bill 1861; Committee Amendment No. 1 to Senate Bill 1882.**

**Higher Education: Committee Amendment No. 1 to Senate Bill 112; Committee Amendment No. 1 to Senate Bill 760; Committee Amendment No. 1 to Senate Bill 1565; Committee Amendment No. 1 to Senate Bill 1655; Committee Amendment No. 1 to Senate Bill 1656; Committee Amendment No. 1 to Senate Bill 1710.**

**Human Services: Committee Amendment No. 2 to Senate Bill 13; Committee Amendment No. 1 to Senate Bill 752; Committee Amendment No. 1 to Senate Bill 850; Committee Amendment No. 1 to Senate Bill 1729; Committee Amendment No. 1 to Senate Bill 1750; Committee Amendment**

[March 24, 2015]



**No. 1 to Senate Bill 1752; Committee Amendment No. 1 to Senate Bill 1754; Committee Amendment No. 1 to Senate Bill 1762; Committee Amendment No. 2 to Senate Bill 1792.**

**Insurance: Committee Amendment No. 1 to Senate Bill 810; Committee Amendment No. 1 to Senate Bill 1318; Committee Amendment No. 1 to Senate Bill 1503.**

**Judiciary: Committee Amendment No. 1 to Senate Bill 59; Committee Amendment No. 1 to Senate Bill 90; Committee Amendment No. 1 to Senate Bill 140; Committee Amendment No. 1 to Senate Bill 621; Committee Amendment No. 1 to Senate Bill 836; Committee Amendment No. 1 to Senate Bill 874; Committee Amendment No. 2 to Senate Bill 874; Committee Amendment No. 1 to Senate Bill 1268; Committee Amendment No. 1 to Senate Bill 1275; Committee Amendment No. 2 to Senate Bill 1335; Committee Amendment No. 1 to Senate Bill 1487; Committee Amendment No. 2 to Senate Bill 1547; Committee Amendment No. 1 to Senate Bill 1596; Committee Amendment No. 1 to Senate Bill 1637; Committee Amendment No. 1 to Senate Bill 1810; Committee Amendment No. 2 to Senate Bill 1810; Committee Amendment No. 2 to Senate Bill 1824; Committee Amendment No. 1 to Senate Bill 1857; Floor Amendment No. 1 to Senate Bill 1866.**

**Licensed Activities and Pensions: Committee Amendment No. 1 to Senate Bill 1381; Committee Amendment No. 1 to Senate Bill 1826; Committee Amendment No. 1 to Senate Bill 1827; Committee Amendment No. 2 to Senate Bill 1827; Committee Amendment No. 1 to Senate Bill 1895.**

**Local Government: Committee Amendment No. 1 to Senate Bill 116; Committee Amendment No. 2 to Senate Bill 369; Committee Amendment No. 2 to Senate Bill 728; Committee Amendment No. 1 to Senate Bill 1206; Committee Amendment No. 1 to Senate Bill 1380; Committee Amendment No. 1 to Senate Bill 1430; Committee Amendment No. 1 to Senate Bill 1470.**

**Public Health: Committee Amendment No. 1 to Senate Bill 661; Committee Amendment No. 1 to Senate Bill 1228; Committee Amendment No. 1 to Senate Bill 1410; Committee Amendment No. 1 to Senate Bill 1466; Committee Amendment No. 1 to Senate Bill 1684.**

**Revenue: Committee Amendment No. 1 to Senate Bill 83; Committee Amendment No. 1 to Senate Bill 88; Committee Amendment No. 1 to Senate Bill 666; Committee Amendment No. 1 to Senate Bill 692; Committee Amendment No. 2 to Senate Bill 780; Committee Amendment No. 1 to Senate Bill 1280; Committee Amendment No. 1 to Senate Bill 1427; Committee Amendment No. 1 to Senate Bill 1526; Committee Amendment No. 1 to Senate Bill 1548; Committee Amendment No. 2 to Senate Bill 1801.**

**State Government and Veterans Affairs: Committee Amendment No. 2 to Senate Bill 691; Floor Amendment No. 1 to Senate Bill 1458; Committee Amendment No. 1 to Senate Bill 1941.**

**Transportation: Floor Amendment No. 1 to Senate Joint Resolution 11; Committee Amendment No. 2 to Senate Bill 70; Committee Amendment No. 1 to Senate Resolution 139; Committee Amendment No. 1 to Senate Bill 682; Committee Amendment No. 1 to Senate Bill 1231; Committee Amendment No. 1 to Senate Bill 1351; Committee Amendment No. 2 to Senate Bill 1351; Committee Amendment No. 1 to Senate Bill 1424; Floor Amendment No. 1 to Senate Bill 1641.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported that the Committee recommends that **Senate Bill No. 1746** be re-referred from the Committee on Local Government to the Committee on Judiciary.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported that the following Legislative Measure has been approved for consideration:

**Floor Amendment No. 2 to Senate Bill 1590**

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

[March 24, 2015]

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported that pursuant to Senate Rule 3-8(b-1), the following amendments will remain in the Committee on Assignments:

**Committee Amendment No. 1 to Senate Bill 369, Floor Amendment No. 2 to Senate Bill 1309, Committee Amendment No. 1 to Senate Bill 1680, Committee Amendment No. 1 to Senate Bill 1745, Committee Amendment No. 1 to Senate Bill 1801.**

**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

March 24, 2015

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 Napoleon Harris as a member of the Senate Public Health Committee. This appointment will automatically expire upon adjournment of the Senate Public Health Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 1:31 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 5:57 o'clock p.m., the Senate resumed consideration of business.  
Senator Harmon, presiding.

**PRESENTATION OF RESOLUTION**

**SENATE RESOLUTION NO. 249**

Offered by Senator Collins and all Senators:  
Mourns the death of Carolyn Ann Clark.

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

**MESSAGE FROM THE HOUSE**

[March 24, 2015]

A message from the House by

Mr. Mapes, Clerk:

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

**HOUSE BILL NO. 317**

A bill for AN ACT making appropriations.

**HOUSE BILL NO. 318**

A bill for AN ACT concerning finance.

Passed the House, March 24, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 317 and 318** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

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

**HOUSE JOINT RESOLUTION NO. 15**

WHEREAS, It is important to recognize those who contributed to the betterment of the State of Illinois through public service; and

WHEREAS, Dick Rawlings was born in Franklin on January 25, 1941; he graduated from Franklin High School in 1959; he served in the United States Army until his honorable discharge in October of 1969 and earned a Bachelor of Science in Civil Engineering from Bradley University in 1971; and

WHEREAS, Dick Rawlings returned to Morgan County and selflessly dedicated his time and unique talents to better his community, a place that loved him as much as he loved it; and

WHEREAS, Dick Rawlings worked as a civil engineer and land surveyor for over 35 years and excelled as a leader in his field; he served as President of the Illinois Professional Land Surveyors Association and received the association's A. "Pat" Patterson Illinois Land Surveyor of the Year Award in 1999; he retired in 2002 as an owner and partner of Benton and Associates, a Jacksonville-based engineering firm; and

WHEREAS, Dick Rawlings was also prominent in Morgan County for his unmatched dedication to volunteer work; and

WHEREAS, Dick Rawlings served as chairman of Corridor 67 Inc., a group that successfully expanded Route 67 under his leadership; his distinctive combination of his knowledge in civil engineering and passion for the betterment of his community enabled him to envision and implement this project, and many others, to an outstanding degree; and

WHEREAS, Dick Rawlings was elected to 2 terms as Morgan County Commissioner in 2006 and 2012; and

WHEREAS, Dick Rawlings was a longtime member of the Jacksonville Area Chamber of Commerce, where he received the Circle of Excellence Award after volunteering countless hours; and

WHEREAS, Dick Rawlings was actively involved on the board of directors for the Jacksonville Regional Economic Development Corporation, the Passavant Hospital Foundation, the Governor Duncan Association, the FBI National Citizens Academy Alumni Association, and the West Central Development Council; and

[March 24, 2015]

WHEREAS, Dick Rawlings was a member of the Meredosia and Florence Bridge Replacement Citizens Advisory Committees, the American Legion, the Veterans of Foreign Wars, AMVETS, the Elks Lodge, the Moose Lodge, Rotary International, the Fraternal Order of Eagles, Harmony Masonic Lodge 3 - Ancient Free and Accepted Masons, the Scottish Rite-Valley of Springfield, the Ansar Shrine, the Rasna Shrine Club, and ROJ Court 20; and

WHEREAS, Dick Rawlings provided graveside military honors to his fallen comrades as a member of the Combined Veterans Ceremonial Team, a group proud to honor the fallen who have helped the living; and

WHEREAS, Dick Rawlings loved reveling in the tranquility of the outdoors; he frequented his houseboat at the Alton Marina with his family and friends; he enjoyed deepsea fishing and hunting; he loved the beauty of the Mississippi River and its long history; however, he cherished his family most of all; and

WHEREAS, Dick Rawlings was preceded in death by his parents, Herman Stanley "Bill" and Mona (nee Mitchell) Rawlings; his brother, William "Bill" Rawlings; and his sister-in-law, Sherry Peck Rawlings; and

WHEREAS, Dick Rawlings is survived by his wife of 38 years, Diane Johnson; his 2 children, Monica (Christopher Ryan) Carroll and Michael (Holly) Rawlings; his 3 grandchildren, Jackson and Elaine Carroll and Nathanyale Loy; his sister, Marilyn (Darrell) Smith; his brother, Robert "Bob" Rawlings; and several nieces and nephews; and

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to individuals who dedicated their lives in the service of the State of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the section of U.S. Route 67 between Liberty Road and Interstate 72 near Jacksonville as the "Dick Rawlings Memorial Highway"; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name the "Dick Rawlings Memorial Highway"; and be it further

RESOLVED, That suitable copies of this resolution be presented to the family of Dick Rawlings, the Mayor of Jacksonville, and the Secretary of the Illinois Department of Transportation.

Adopted by the House, March 24, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 15 was referred to the Committee on Assignments.

### REPORTS FROM STANDING COMMITTEES

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 729, 764, 1602, 1811, 1821 and 1862**, reported the same back with the recommendation that the bills do pass.

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

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 10, 661, 1228, 1466, 1684 and 1800**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

[March 24, 2015]

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 1393 and 1506**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 220, 1455, 1591 and 1679**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass. Under the rules, the bills were ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 16**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted. Under the rules, **Senate Joint Resolution No. 16** was placed on the Secretary's Desk.

Senator McGuire, Chairperson of the Committee on Higher Education, to which was referred **Senate Bills Numbered 806 and 1818**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator McGuire, Chairperson of the Committee on Higher Education, to which was referred **Senate Bill No. 760**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass. Under the rules, the bill was ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 59, 871, 1258, 1296, 1374, 1630, 1670, 1833 and 1834**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 90, 140, 621, 786, 836, 874, 1268, 1275, 1335, 1487, 1547, 1596, 1763, 1810 and 1824**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass. Under the rules, the bills were ordered to a second reading.

Senator Stadelman, Vice-Chairperson of the Committee on Transportation, to which was referred **Senate Bill No. 1704**, reported the same back with the recommendation that the bill do pass. Under the rules, the bill was ordered to a second reading.

Senator Stadelman, Vice-Chairperson of the Committee on Transportation, to which was referred **Senate Bills Numbered 70 and 1424**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass. Under the rules, the bills were ordered to a second reading.

Senator Stadelman, Vice-Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 2**, reported the same back with the recommendation that the resolution be adopted. Under the rules, **Senate Joint Resolution No. 2** was placed on the Secretary's Desk.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 317**, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

[March 24, 2015]

**House Bill No. 318**, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

**COMMUNICATION FROM THE MINORITY LEADER**

**DISTRICT OFFICE:**

1011 STATE ST., SUITE 210  
LEMONT, IL 60439  
(630) 243-0800  
FAX: (630) 243-0808

**CAPITOL OFFICE:**

309A STATE HOUSE  
SPRINGFIELD, IL 62706  
(217) 782-9407  
FAX: (217) 782-7818

**CHRISTINE RADOGNO**  
SENATE REPUBLICAN LEADER · 41<sup>ST</sup> DISTRICT

March 24, 2015

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

Dear Mr. Secretary:

Please be advised that pursuant to Senate Rule 3-3(a), I have appointed the following Senators to the **Senate Special Committee on Public Pensions and State Investments**. These appointments are effective immediately.

Senator Karen McConaughay  
Senator Tim Bivins  
Senator Dan Duffy

If you have any questions, please contact my Chief of Staff, Phil Draves, at 217-782-8184.

Sincerely,  
s/Christine Radogno  
Christine Radogno  
Senate Republican Leader

cc: Senate President John Cullerton  
Assistant Secretary of the Senate Scott Kaiser

**REPORTS FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Appropriations I: **HOUSE BILLS 317 and 318**.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 24, 2015 meeting, reported that **House Bills numbered 317 and 318** have been re-referred from the Committee on Appropriations I to the Committee on Assignments and have been approved for consideration by the Committee on Assignments.

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

[March 24, 2015]

At the hour of 6:01 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, March 25, 2015, at 12:00 o'clock noon.