



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

122ND LEGISLATIVE DAY

SUNDAY, MAY 29, 2016

4:00 O'CLOCK P.M.

SENATE
Daily Journal Index
122nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator Don Harmon, Oak Park, Illinois, presiding.
 Prayer by Pastor Robert Freeman, Kumler United Methodist Church, Springfield, Illinois.
 Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, May 27, 2016, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
 SENATE PRESIDENT

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

May 27, 2016

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend all applicable committee and 3rd reading deadlines to May 31, 2016, for the following House bills:

173 , 397 , 581 , 582 , 648 , 696 , 747 , 810 , 1646 , 2643 , 3126 , 3136 , 3262 , 3687 , 3755 , 3760 , 4036 , 4257 , 4259 , 4315 , 4326 , 4334 , 4336 , 4365 , 4389 , 4394 , 4395 , 4423 , 4486 , 4501 , 4518 , 4522 , 4554 , 4589 , 4603 , 4645 , 4668 , 4675 , 5009 , 5010 , 5104 , 5539 , 5584 , 5598 , 5600 , 5603 , 5628 , 5649 , 5704 , 5710 , 5764 , 5783 , 5884 , 5894 , 5898 , 5901 , 5910 , 5912 , 5918 , 5924 , 5931 , 5933 , 5938 , 5949 , 5958 , 6006 , 6009 , 6021 , 6027 , 6031 , 6037 , 6044 , 6060 , 6069 , 6074 , 6086 , 6093 , 6109 , 6131 , 6136 , 6149 , 6162 , 6181 , 6182 , 6190 , 6225 , 6226 , 6245 , 6261 , 6285 , 6287 , 6291 , 6299 , 6302 , 6321 , 6324 , 6325 , 6328 , 6331 and 6332.

In addition, I hereby extend all applicable committee and 3rd reading deadlines to May 31, 2016, for the following Senate bills:

126 , 141 , 144 , 150 , 164 , 165 , 167 , 168 , 194 , 203 , 230 , 236 , 237 , 239 , 243 , 244 , 259 , 281 , 282 , 283 , 304 , 319 , 323 , 325 , 326 , 327 , 347 , 383 , 385 , 386 , 387 , 390 , 391 , 401 , 419 , 439 , 439 , 441 , 442 , 463 , 464 , 465 , 468 , 469 , 470 , 471 , 472 , 510 , 512 , 517 , 518 , 519 , 521 , 522 , 549 , 550 , 551 , 572 , 573 , 575 , 576 , 578 , 582 , 583 , 584 , 585 , 586 , 587 , 588 , 589 , 602 , 630 , 631 , 633 , 634 , 911 , 912 , 951 , 952 , 969 , 972 , 974 , 1041 , 1048 , 1049 , 1050 , 1051 , 1052 , 1053 , 1054 , 1055 , 1056 , 1058 , 1525 , 1783 , 2130 , 2143 , 2147 , 2151 , 2166 , 2191 , 2200 , 2209 , 2210 , 2211 , 2212 , 2224 , 2233 , 2263 , 2264 , 2265 , 2283 , 2323 , 2333 , 2334 , 2356 , 2361 , 2417 , 2428 , 2460 , 2519 , 2520 , 2539 , 2555 , 2563 , 2570 , 2574 , 2579 , 2619 , 2626 , 2635 , 2649 , 2674 , 2688 , 2698 , 2717 , 2770 , 2781 , 2785 , 2789 , 2792 , 2795 , 2803 , 2810 , 2815 , 2816 , 2818 , 2844 , 2855 , 2856 , 2857 , 2858 , 2859 , 2863 , 2865 , 2878 , 2879 , 2886 , 2903 , 2922 , 2923 , 2926 , 2938 , 2939 , 2949 , 2952 , 2954 , 2957 , 2980 , 2999 , 3000 , 3001 , 3002 , 3006 , 3008 , 3028 , 3030 , 3050 , 3051 , 3052 , 3053 , 3073 , 3074 , 3076 , 3084 , 3090 , 3094 , 3098 , 3133 , 3134 , 3140 , 3153 , 3160 , 3161 , 3170 , 3181 , 3259 , 3283 , 3292 , 3297 , 3302 , 3313 , 3323 , 3331 , 3332 , 3333 , 3340 , 3402 , 3403 and 3404.

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

[May 29, 2016]

Senate President

cc: Senate Republican Leader Christine Radogno

PRESENTATION OF RESOLUTIONS**SENATE RESOLUTION NO. 1942**

Offered by Senator Harmon and all Senators:
Mourns the death of John Joseph “Johnny” Lattner of Melrose Park.

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

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

SENATE RESOLUTION NO. 1943

WHEREAS, It is incumbent upon the members of this body to take appropriate measures to ensure the health and safety of the citizens of this State; and

WHEREAS, Ridesharing has become a popular mode of transportation and a source of income for drivers in many states across the country, including Illinois; and

WHEREAS, Although ridesharing companies perform criminal background checks, those checks have often proved inadequate, allowing those convicted of sex crimes, homicides, and other dangerous felonies to be approved as drivers; and

WHEREAS, On May 18, 2016 in Gaithersburg, Maryland, a rideshare driver with an extensive criminal record was arrested for allegedly using a homemade gun to attempt to shoot and kill multiple county police officers; and

WHEREAS, At the time of his arrest, it was discovered that the rideshare driver had a lengthy felony record, including weapons possession, arson, armed robbery, burglary, drug possession, vehicle theft, and malicious destruction of property; and

WHEREAS, The possibility of having rideshare drivers in Illinois with extensive criminal records is a grave concern; and

WHEREAS, In 2014, the General Assembly passed HB 4075, establishing greater guidelines, including criminal background checks with fingerprinting, which has been proven an effective method of criminal identification; however, the bill was vetoed by then Governor, Pat Quinn; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Chicago City Council to pass Alderman Anthony Beale’s ordinance to mandate that criminal background checks include fingerprinting for all rideshare drivers; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Chicago Mayor, Rahm Emanuel, and all members of the Chicago City Council.

REPORT FROM STANDING COMMITTEE

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

[May 29, 2016]

Motion to Concur in House Amendment 1 to Senate Bill 140; Motion to Concur in House Amendment 2 to Senate Bill 140; Motion to Concur in House Amendment 1 to Senate Bill 805; Motion to Concur in House Amendment 2 to Senate Bill 805

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

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

Senate Amendment No. 1 to House Bill 6226

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Manar, **House Bill No. 4315** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McConnaughay, **House Bill No. 4389** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|----------|--------------|-------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |

[May 29, 2016]

| | | | |
|---------------|-----------|------------|---------------|
| Biss | Holmes | Muñoz | Stears |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

On motion of Senator Link, **House Bill No. 4554** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|-------------|---------------|
| Althoff | Forby | McConaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Stears |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Barickman, **House Bill No. 4603** was recalled from the order of third reading to the order of second reading.

Senator Barickman offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4603

AMENDMENT NO. 1. Amend House Bill 4603 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Counties Code is amended by changing Sections 2-1005 and 3-4010 as follows:
(55 ILCS 5/2-1005) (from Ch. 34, par. 2-1005)

Sec. 2-1005. Quorum; approval of ordinances. A majority of the members of any county board shall constitute a quorum for the transaction of business; and all questions, ordinances, resolutions, or motions which shall arise at meetings shall be determined by the votes of the majority of the members present, except in such cases as is otherwise provided.

[May 29, 2016]

A county board in a county where the chairman is elected at large may upon passage, adoption or enactment of a specific ordinance, resolution, or motion apply the following provisions: Any ordinance, resolution, or motion passed, adopted or otherwise enacted by the board in a county where the chairman is elected at large shall be presented to the chairman before it becomes effective. If the chairman approves such ordinance, resolution or motion, he shall sign it and it shall become law on the date prescribed; if not, he shall return it to the board within 10 business days with his objections and the board shall proceed to reconsider the matter at its next meeting, to be held within 30 business days of the board's receipt of the chairman's objections. If after such reconsideration a majority of the members of the board pass such ordinance, resolution, or motion, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. If any ordinance, resolution, or motion is not returned by the chairman to the board within 10 business days after it has been presented to him, it shall become effective at the end of the 10th day.

The county board at any properly noticed public meeting may by unanimous consent take a single vote by yeas and nays on the several questions of the passage of any 2 or more of the designated ordinances, orders, resolutions, or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the minutes under the designation "omnibus vote", and in that event the clerk may enter the words "omnibus vote" or "consent agenda" in the minutes in each case instead of entering the names of the members of the county board voting "yea" and those voting "nay" on the passage of each of the designated ordinances, orders, resolutions, and motions included in the omnibus group or consent agenda. The taking of a single or omnibus vote and the entries of the words "omnibus vote" or "consent agenda" in the minutes shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution, and motion included in the omnibus group and separately recorded in the minutes. Likewise, the yeas and nays shall be taken upon the question of the passage of any other ordinance, resolution, or motion at the request of any county board member and shall be recorded in the minutes. The changes to this Section made by this amendatory Act of the 99th General Assembly are declarative of existing law and do not change the substantive operation of this Section.

(Source: P.A. 86-926.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Barickman, **House Bill No. 4603** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|------------|---------------|
| Althoff | Haine | McGuire | Sandoval |
| Anderson | Harmon | Morrison | Silverstein |
| Barickman | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Stears |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

[May 29, 2016]

Forby McConnaughay Rose

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

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

On motion of Senator Althoff, **House Bill No. 5584** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **House Bill No. 5603** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Sandoval |
| Anderson | Haine | McGuire | Silverstein |
| Barickman | Harmon | Morrison | Stadelman |
| Bennett | Hastings | Mulroe | Steans |
| Biss | Holmes | Muñoz | Sullivan |
| Bivins | Hunter | Murphy, L. | Syverson |
| Brady | Landek | Murphy, M. | Trotter |
| Bush | Lightford | Nybo | Van Pelt |
| Clayborne | Link | Oberweis | Weaver |
| Collins | Manar | Radogno | Mr. President |
| Connelly | Martinez | Raoul | |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Barickman, **House Bill No. 5649** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Sandoval |
| Anderson | Haine | McGuire | Silverstein |
| Barickman | Harmon | Morrison | Stadelman |
| Bennett | Hastings | Mulroe | Steans |
| Biss | Holmes | Muñoz | Sullivan |
| Bivins | Hunter | Murphy, L. | Syverson |
| Brady | Landek | Murphy, M. | Trotter |
| Bush | Lightford | Nybo | Van Pelt |
| Clayborne | Link | Oberweis | Weaver |
| Collins | Manar | Radogno | Mr. President |
| Connelly | Martinez | Raoul | |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Barickman, **House Bill No. 5894** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

[May 29, 2016]

On motion of Senator Martinez, **House Bill No. 5898** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|-------------|---------------|
| Althoff | Forby | McConaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 5918** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|-------------|---------------|
| Althoff | Forby | McConaughay | Sandoval |
| Anderson | Haine | Morrison | Silverstein |
| Barickman | Harmon | Mulroe | Stadelman |
| Bennett | Hastings | Muñoz | Steans |
| Biss | Holmes | Murphy, L. | Sullivan |
| Bivins | Hunter | Murphy, M. | Syverson |
| Brady | Landek | Nybo | Trotter |
| Bush | Lightford | Oberweis | Van Pelt |
| Clayborne | Link | Radogno | Weaver |
| Collins | Manar | Raoul | Mr. President |
| Connelly | Martinez | Rezin | |
| Cullerton, T. | McCann | Righter | |
| Cunningham | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

Senator McGuire asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 5918**.

On motion of Senator Silverstein, **House Bill No. 5924** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|-------------|---------------|
| Althoff | Forby | McConaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Biss, **House Bill No. 5933** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|-------------|---------------|
| Althoff | Forby | McConaughay | Sandoval |
| Anderson | Haine | McGuire | Silverstein |
| Barickman | Harmon | Mulroe | Stadelman |
| Bennett | Hastings | Muñoz | Steans |
| Biss | Holmes | Murphy, L. | Sullivan |
| Bivins | Hunter | Murphy, M. | Syverson |
| Brady | Landek | Nybo | Trotter |
| Bush | Lightford | Oberweis | Van Pelt |
| Clayborne | Link | Radogno | Weaver |
| Collins | Manar | Raoul | Mr. President |
| Connelly | Martinez | Rezin | |
| Cullerton, T. | McCann | Righter | |
| Cunningham | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 5938** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 29, 2016]

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Rose |
| Anderson | Haine | McConnaughay | Sandoval |
| Barickman | Harmon | McGuire | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McCarter | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 5949** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Lightford | Murphy, M. | Syverson |
| Bush | Link | Nybo | Trotter |
| Clayborne | Manar | Oberweis | Van Pelt |
| Collins | Martinez | Radogno | Weaver |
| Connelly | McCann | Raoul | Mr. President |
| Cullerton, T. | McCarter | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 5958** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Silverstein |
| Bennett | Hastings | Morrison | Stadelman |
| Biss | Holmes | Mulroe | Steans |
| Bivins | Hunter | Muñoz | Sullivan |
| Brady | Landek | Murphy, L. | Syverson |
| Bush | Lightford | Murphy, M. | Trotter |
| Clayborne | Link | Nybo | Van Pelt |
| Collins | Manar | Oberweis | Weaver |
| Connelly | Martinez | Radogno | Mr. President |
| Cullerton, T. | McCann | Raoul | |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McGuire, **House Bill No. 6006** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Steans |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Manar | Radogno | Weaver |
| Connelly | Martinez | Raoul | Mr. President |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McCarter | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator McGuire, **House Bill No. 6009** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 46; NAYS None.

The following voted in the affirmative:

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| | | | |
|------------|-----------|--------------|---------------|
| Althoff | Harmon | McConnaughay | Sandoval |
| Anderson | Hastings | McGuire | Silverstein |
| Barickman | Holmes | Mulroe | Stadelman |
| Bennett | Hunter | Muñoz | Steans |
| Biss | Landek | Murphy, M. | Sullivan |
| Bivins | Lightford | Nybo | Syverson |
| Brady | Link | Oberweis | Trotter |
| Clayborne | Manar | Radogno | Van Pelt |
| Collins | Martinez | Raoul | Weaver |
| Connelly | McCann | Rezin | Mr. President |
| Cunningham | McCarter | Righter | |
| Haine | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rezin, **House Bill No. 6044** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Mulroe, **House Bill No. 6060** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|--------|--------------|----------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |

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| | | | |
|---------------|-----------|------------|---------------|
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 6093** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 6109** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|----------|--------------|-------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |

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| | | | |
|---------------|-----------|------------|---------------|
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Morrison, **House Bill No. 6131** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 48; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|--------------|------------|---------------|
| Althoff | Haine | McGuire | Silverstein |
| Barickman | Harmon | Morrison | Stadelman |
| Bennett | Hastings | Mulroe | Stears |
| Biss | Holmes | Muñoz | Sullivan |
| Bivins | Hunter | Murphy, M. | Syverson |
| Brady | Landek | Nybo | Trotter |
| Bush | Lightford | Oberweis | Van Pelt |
| Clayborne | Link | Radogno | Weaver |
| Collins | Manar | Raoul | Mr. President |
| Connelly | Martinez | Rezin | |
| Cullerton, T. | McCann | Righter | |
| Cunningham | McConchie | Rose | |
| Forby | McConnaughay | Sandoval | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **House Bill No. 6136** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|-----------|--------------|-------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Stears |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |

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| | | | |
|---------------|----------|----------|---------------|
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bush, **House Bill No. 6149** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Stears |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 6181** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Stears |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |

Cunningham

McCarter

Rezin

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bush, **House Bill No. 6182** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConnaughay | Rose |
| Anderson | Haine | McGuire | Sandoval |
| Barickman | Harmon | Morrison | Silverstein |
| Bennett | Hastings | Mulroe | Stadelman |
| Biss | Holmes | Muñoz | Stears |
| Bivins | Hunter | Murphy, L. | Sullivan |
| Brady | Landek | Murphy, M. | Syverson |
| Bush | Lightford | Nybo | Trotter |
| Clayborne | Link | Oberweis | Van Pelt |
| Collins | Martinez | Radogno | Weaver |
| Connelly | McCann | Raoul | Mr. President |
| Cullerton, T. | McCarter | Rezin | |
| Cunningham | McConchie | Righter | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cunningham, **House Bill No. 6190** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 48; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|--------------|------------|---------------|
| Althoff | Harmon | McGuire | Silverstein |
| Anderson | Hastings | Mulroe | Stadelman |
| Barickman | Holmes | Muñoz | Stears |
| Bennett | Hunter | Murphy, L. | Sullivan |
| Biss | Landek | Murphy, M. | Syverson |
| Bivins | Lightford | Nybo | Trotter |
| Brady | Link | Oberweis | Van Pelt |
| Bush | Manar | Radogno | Weaver |
| Clayborne | Martinez | Raoul | Mr. President |
| Collins | McCann | Rezin | |
| Connelly | McCarter | Righter | |
| Cullerton, T. | McConchie | Rose | |
| Cunningham | McConnaughay | Sandoval | |

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

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Sandoval, **House Bill No. 6226** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 6226

AMENDMENT NO. 1. Amend House Bill 6226 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by adding Section 9-132 as follows:
(605 ILCS 5/9-132 new)

Sec. 9-132. Highway design. A unit of local government may consult a highway design publication outside the Department's Bureau of Local Roads and Streets Manual for the construction of any highway in ownership or control of the unit of local government, except for a highway that is part of the National System of Interstate and Defense Highways, if:

- (1) the unit of local government receives federal or State funds for the construction project;
- (2) the highway design publication is approved by the Federal Highway Administration;
- (3) the highway design publication is adopted by the unit of local government; and
- (4) the design complies with all other applicable federal laws."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sandoval, **House Bill No. 6226** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

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

On motion of Senator Haine, **House Bill No. 6245** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connelly, **House Bill No. 6261** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Bush, **House Bill No. 6285** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|-----------|--------------|---------------|
| Althoff | Forby | McConchie | Righter |
| Anderson | Haine | McConnaughay | Rose |
| Barickman | Harmon | McGuire | Sandoval |
| Bennett | Hastings | Morrison | Silverstein |
| Biss | Holmes | Mulroe | Stadelman |
| Bivins | Hunter | Muñoz | Steans |
| Brady | Landek | Murphy, L. | Sullivan |
| Bush | Lightford | Murphy, M. | Syverson |
| Clayborne | Link | Nybo | Trotter |
| Collins | Manar | Oberweis | Van Pelt |
| Connelly | Martinez | Radogno | Weaver |
| Cullerton, T. | McCann | Raoul | Mr. President |
| Cunningham | McCarter | Rezin | |

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

Ordered that the Secretary inform the House of Representatives thereof.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 6:00 o'clock p.m.:

Agriculture in Room 409

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Mulroe, **House Bill No. 6287** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 45; NAYS 6.

The following voted in the affirmative:

| | | | |
|---------------|------------|--------------|---------------|
| Althoff | Harmon | McConnaughay | Sandoval |
| Anderson | Hastings | McGuire | Silverstein |
| Barickman | Holmes | Morrison | Stadelman |
| Biss | Hunter | Mulroe | Steans |
| Bivins | Hutchinson | Muñoz | Sullivan |
| Brady | Landek | Murphy, L. | Syverson |
| Bush | Lightford | Murphy, M. | Trotter |
| Clayborne | Link | Nybo | Van Pelt |
| Collins | Manar | Oberweis | Mr. President |
| Connelly | Martinez | Radogno | |
| Cullerton, T. | McCarter | Raoul | |

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Haine McConchie Rose

The following voted in the negative:

Bennett McCann Righter
Cunningham Rezin Weaver

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

POSTING NOTICE WAIVED

Senator McCann moved to waive the six-day posting requirement on **House Joint Resolution No. 141** so that the measure may be heard in the Committee on Agriculture that is scheduled to meet today.
The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator J. Cullerton, **House Bill No. 5010** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|------------|--------------|---------------|
| Althoff | Haine | McConnaughay | Sandoval |
| Anderson | Harmon | McGuire | Silverstein |
| Barickman | Hastings | Morrison | Stadelman |
| Bennett | Holmes | Mulroe | Steans |
| Biss | Hunter | Muñoz | Sullivan |
| Bivins | Hutchinson | Murphy, L. | Syverson |
| Brady | Landek | Murphy, M. | Trotter |
| Bush | Lightford | Nybo | Van Pelt |
| Clayborne | Link | Oberweis | Weaver |
| Collins | Manar | Radogno | Mr. President |
| Connelly | Martinez | Raoul | |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McCarter | Righter | |
| Forby | McConchie | Rose | |

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

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

On motion of Senator McConchie, **House Bill No. 6302** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|------------|-------------|---------------|
| Althoff | Haine | McConaughay | Sandoval |
| Anderson | Harmon | McGuire | Silverstein |
| Barickman | Hastings | Morrison | Stadelman |
| Bennett | Holmes | Mulroe | Steans |
| Biss | Hunter | Muñoz | Sullivan |
| Bivins | Hutchinson | Murphy, L. | Syverson |
| Brady | Landek | Murphy, M. | Trotter |
| Bush | Lightford | Nybo | Van Pelt |
| Clayborne | Link | Oberweis | Weaver |
| Collins | Manar | Radogno | Mr. President |
| Connelly | Martinez | Raoul | |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McCarter | Righter | |
| Forby | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 3 to Senate Bill 550
Floor Amendment No. 2 to Senate Bill 1049

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

Floor Amendment No. 2 to House Bill 3126
Floor Amendment No. 2 to House Bill 3136
Floor Amendment No. 1 to House Bill 4395
Floor Amendment No. 3 to House Bill 5539

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 574

A bill for AN ACT concerning State government.

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

House Amendment No. 3 to SENATE BILL NO. 574

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 574

AMENDMENT NO. 3. Amend Senate Bill 574 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Muslim American Advisory Council Act.

[May 29, 2016]

Section 5. Findings and declaration of policy. The General Assembly hereby finds, determines, and declares:

(a) The State of Illinois is home to over 500,000 Muslims and over 300 mosques, representing various races and ethnicities, including but not limited to African Americans, West and East African Americans, South Asian Americans, Arab Americans, Latin Americans, and Caucasian Americans. They also represent a variety of professions, including but not limited to lawyers, business owners, professors, and community activists.

(b) Muslims are the third largest religious group in the State of Illinois after Roman Catholics and independent Evangelical Christians.

(c) It is the public policy of the State of Illinois to promote diversity and to ensure inclusion of all religious, racial, and ethnic groups within this State.

Section 10. Definitions. As used in this Act:

"Council" means the Illinois Muslim American Advisory Council created by this Act.

"Muslim" means an individual who practices the religion of Islam.

Section 15. The Illinois Muslim American Advisory Council. There is hereby created the Illinois Muslim American Advisory Council. The purpose of the Council is to advise the Governor and the General Assembly on policy issues impacting Muslim Americans and immigrants; to advance the role and civic participation of Muslim Americans in this State; to enhance trade and cooperation between Muslim-majority countries and this State; and to build relationships with and disseminate information to, in cooperation with State agencies, boards, and commissions, Muslim American and immigrant communities across this State.

Section 20. Council members.

(a) The Council shall consist of 21 members. The Governor shall appoint one member to be the representative of the Office of the Governor. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall also each appoint 4 public members to the Council. The Governor shall select the chairperson of the Council, from among the members.

(b) Appointing authorities shall ensure, to the maximum extent practicable, that the Council is diverse with respect to race, ethnicity, age, gender, and geography.

(c) Appointments to the Council shall be persons of recognized ability and experience in one or more of the following areas: higher education, business, international trade, law, social services, human services, immigration, refugee services, community development, or healthcare.

(d) Members of the Council shall serve 2-year terms. A member shall serve until his or her successor shall be appointed. Members of the Council shall not be entitled to compensation for their services as members.

(e) The following officials shall serve as ex-officio members: the Deputy Director of the Office of Trade and Investment within the Department of Commerce and Economic Opportunity, or his or her designee, and the Chief of the Bureau of Refugee and Immigrant Services within the Department of Human Services, or his or her designee. In addition, the Department on Aging, the Department of Children and Family Services, the Department of Healthcare and Family Services, the Department of Public Health, the Department of Central Management Services, the Board of Education, the Board of Higher Education, and the Community College Board shall each appoint a liaison to serve as an ex-officio member of the Council.

(f) The Council may establish committees that address certain issues, including, but not limited to, communications, economic development, and legislative affairs.

(g) The Office of the Governor shall provide administrative and technical support to the Council, including a staff member to serve as ethics officer.

Section 25. Meetings. The Council shall meet at least once per month. In addition, the Council may hold up to 2 public hearings annually to assist in the development of policy recommendations to the Governor and the General Assembly. All meetings of the Council shall be conducted in accordance with the Open Meetings Act. Eleven members of the Council shall constitute a quorum.

Section 30. Reports. The Council shall issue semi-annual reports on its policy recommendations by June 30th and December 31st of each year to the Governor and the General Assembly.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Under the rules, the foregoing **Senate Bill No. 574**, with House Amendment No. 3, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 1582

A bill for AN ACT concerning transportation.

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

House Amendment No. 1 to SENATE BILL NO. 1582

House Amendment No. 3 to SENATE BILL NO. 1582

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1582

AMENDMENT NO. 1. Amend Senate Bill 1582 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1414.1 as follows:

(625 ILCS 5/11-1414.1) (from Ch. 95 1/2, par. 11-1414.1)

Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision (1) or (2) of subsection (b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, South Campus, New Connections Academy, Connections Day School, Connections Academy East, Virtual Connections Academy, Transitions School, New Horizon Academy, or The Hope Institute for Children and Families may be transported in a multi-function school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit.

(ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code.

"Curriculum-related school activity" as used in this subsection (a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection (b) of Section 1-182 of this Code. This subsection (b) does not apply to any second division vehicle used by an entity listed in subsection (a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity.

(Source: P.A. 96-410, eff. 7-1-10; 97-896, eff. 8-3-12.)"

[May 29, 2016]

AMENDMENT NO. 3 TO SENATE BILL 1582

AMENDMENT NO. 3. Amend Senate Bill 1582, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1414.1 as follows:
(625 ILCS 5/11-1414.1) (from Ch. 95 1/2, par. 11-1414.1)

Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision (1) or (2) of subsection (b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, or New Horizon Academy may be transported in a multi-function school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit.

(ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code.

"Curriculum-related school activity" as used in this subsection (a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection (b) of Section 1-182 of this Code. This subsection (b) does not apply to any second division vehicle used by an entity listed in subsection (a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity.
(Source: P.A. 96-410, eff. 7-1-10; 97-896, eff. 8-3-12.)"

Under the rules, the foregoing **Senate Bill No. 1582**, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2156

A bill for AN ACT concerning public employee benefits.

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

House Amendment No. 2 to SENATE BILL NO. 2156

House Amendment No. 3 to SENATE BILL NO. 2156

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2156

AMENDMENT NO. 2. Amend Senate Bill 2156 as follows:

on page 2, line 4, by replacing "that" with "who"; and

[May 29, 2016]

on page 13, by replacing lines 3 and 4 with "housing allowances, vehicle allowances, social club dues, or athletic club dues.".

AMENDMENT NO. 3 TO SENATE BILL 2156

AMENDMENT NO. 3. Amend Senate Bill 2156, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 15-106, 15-107, 15-110, 15-111, 15-113.11, 15-155, 15-158.2, 15-168, and 15-168.2 and by adding Sections 15-111.5 and 15-113.12 as follows:

(40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional) Sec. 15-106. Employer. "Employer": The University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the State Board of Higher Education, the Illinois Mathematics and Science Academy, the University Civil Service Merit Board, the Board of Trustees of the State Universities Retirement System, the Illinois Community College Board, community college boards, any association of community college boards organized under Section 3-55 of the Public Community College Act, the Board of Examiners established under the Illinois Public Accounting Act, and, only during the period for which employer contributions required under Section 15-155 are paid, the following organizations: the alumni associations, the foundations and the athletic associations which are affiliated with the universities and colleges included in this Section as employers. An individual who begins employment on or after the effective date of this amendatory Act of the 99th General Assembly with any association of community college boards organized under Section 3-55 of the Public Community College Act, the Association of Illinois Middle-Grade Schools, the Illinois Association of School Administrators, the Illinois Association for Supervision and Curriculum Development, the Illinois Principals Association, the Illinois Association of School Business Officials, the Illinois Special Olympics, or an entity not defined as an employer in this Section shall not be deemed an employee for the purposes of this Article with respect to that employment and shall not be eligible to participate in the System with respect to that employment; provided, however, that those individuals who are both employed by such an entity and are participating in the System with respect to that employment on the effective date of this amendatory Act of the 99th General Assembly shall be allowed to continue as participants in the System for the duration of that employment.

A department as defined in Section 14-103.04 is an employer for any person appointed by the Governor under the Civil Administrative Code of Illinois who is a participating employee as defined in Section 15-109. The Department of Central Management Services is an employer with respect to persons employed by the State Board of Higher Education in positions with the Illinois Century Network as of June 30, 2004 who remain continuously employed after that date by the Department of Central Management Services in positions with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau.

The cities of Champaign and Urbana shall be considered employers, but only during the period for which contributions are required to be made under subsection (b-1) of Section 15-155 and only with respect to individuals described in subsection (h) of Section 15-107.

(Source: P.A. 95-369, eff. 8-23-07; 95-728, eff. 7-1-08 - See Sec. 999.)

(40 ILCS 5/15-107) (from Ch. 108 1/2, par. 15-107)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional) Sec. 15-107. Employee.

(a) "Employee" means any member of the educational, administrative, secretarial, clerical, mechanical, labor or other staff of an employer whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less, who (A) receives payment for personal services on a warrant issued pursuant to a payroll voucher certified by an employer and drawn by the State Comptroller upon the State Treasurer or by an employer upon trust, federal or other funds, or (B) is on a leave of absence without pay. Employment which is irregular, intermittent or temporary shall not be considered continuous for purposes of this paragraph.

However, a person is not an "employee" if he or she:

- (1) is a student enrolled in and regularly attending classes in a college or university which is an employer, and is employed on a temporary basis at less than full time;
- (2) is currently receiving a retirement annuity or a disability retirement annuity under

Section 15-153.2 from this System;

(3) is on a military leave of absence;

(4) is eligible to participate in the Federal Civil Service Retirement System and is currently making contributions to that system based upon earnings paid by an employer;

(5) is on leave of absence without pay for more than 60 days immediately following termination of disability benefits under this Article;

(6) is hired after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and receives earnings in whole or in part from funds provided under that Act; or

(7) is employed on or after July 1, 1991 to perform services that are excluded by subdivision (a)(7)(f) or (a)(19) of Section 210 of the federal Social Security Act from the definition of employment given in that Section (42 U.S.C. 410).

(b) Any employer may, by filing a written notice with the board, exclude from the definition of "employee" all persons employed pursuant to a federally funded contract entered into after July 1, 1982 with a federal military department in a program providing training in military courses to federal military personnel on a military site owned by the United States Government, if this exclusion is not prohibited by the federally funded contract or federal laws or rules governing the administration of the contract.

(c) Any person appointed by the Governor under the Civil Administrative Code of the State is an employee, if he or she is a participant in this system on the effective date of the appointment.

(d) A participant on lay-off status under civil service rules is considered an employee for not more than 120 days from the date of the lay-off.

(e) A participant is considered an employee during (1) the first 60 days of disability leave, (2) the period, not to exceed one year, in which his or her eligibility for disability benefits is being considered by the board or reviewed by the courts, and (3) the period he or she receives disability benefits under the provisions of Section 15-152, workers' compensation or occupational disease benefits, or disability income under an insurance contract financed wholly or partially by the employer.

(f) Absences without pay, other than formal leaves of absence, of less than 30 calendar days, are not considered as an interruption of a person's status as an employee. If such absences during any period of 12 months exceed 30 work days, the employee status of the person is considered as interrupted as of the 31st work day.

(g) A staff member whose employment contract requires services during an academic term is to be considered an employee during the summer and other vacation periods, unless he or she declines an employment contract for the succeeding academic term or his or her employment status is otherwise terminated, and he or she receives no earnings during these periods.

(h) An individual who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department and who immediately after the elimination of that fire department became employed by the fire department of the City of Urbana or the City of Champaign shall continue to be considered as an employee for purposes of this Article for so long as the individual remains employed as a firefighter by the City of Urbana or the City of Champaign. The individual shall cease to be considered an employee under this subsection (h) upon the first termination of the individual's employment as a firefighter by the City of Urbana or the City of Champaign.

(i) An individual who is employed on a full-time basis as an officer or employee of a statewide teacher organization that serves System participants or an officer of a national teacher organization that serves System participants may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant before the effective date of this amendatory Act of the 97th General Assembly, (3) the individual does not receive credit for that employment under any other Article of this Code, and (4) the individual first became a full-time employee of the teacher organization and becomes a participant before the effective date of this amendatory Act of the 97th General Assembly. An employee under this subsection (i) is responsible for paying to the System both (A) employee contributions based on the actual compensation received for service with the teacher organization and (B) employer contributions equal to the normal costs (as defined in Section 15-155) resulting from that service; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the teacher organization.

A person who is an employee as defined in this subsection (i) may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such

prior employment for which the applicant received credit under any other provision of this Code, or during which the applicant was on a leave of absence under Section 15-113.2.

(j) A person employed by the State Board of Higher Education in a position with the Illinois Century Network as of June 30, 2004 shall be considered to be an employee for so long as he or she remains continuously employed after that date by the Department of Central Management Services in a position with the Illinois Century Network, the Bureau of Communication and Computer Services, or, if applicable, any successor bureau and meets the requirements of subsection (a).

(k) The Board shall promulgate rules with respect to determining whether any person is an employee within the meaning of this Section. In the case of doubt as to whether any person is an employee within the meaning of this Section or any rule adopted by the Board, the decision of the Board shall be final.
(Source: P.A. 97-651, eff. 1-5-12.)

(40 ILCS 5/15-110) (from Ch. 108 1/2, par. 15-110)

Sec. 15-110. Basic compensation. "Basic compensation": ~~Subject to Section 15-111.5, the~~ The gross basic rate of salary or wages payable by an employer, including :

(1) the value of maintenance, board, living quarters, personal laundry, or other allowances furnished in lieu of salary which are considered gross income under the federal Federal Internal Revenue Code of 1986, as amended; ;

(2) the employee contributions required under Section 15-157; ~~;~~ and

(3) the amount paid by any employer to a custodial account for investment in regulated investment company stocks for the benefit of the employee pursuant to the University Employees Custodial Accounts Act; "An Act in relation to payments to custodial accounts for the benefit of employees of public institutions of higher education", approved September 9, 1983, and

(4) the amount of the premium payable by any employer to an insurance company or companies on an annuity contract, pursuant to the employee's election to accept a reduction in earnings or forego an increase in earnings under Section 30c of the State Finance Act "An Act in relation to State Finance," approved June 10, 1919, as amended, or a tax-sheltered annuity plan approved by any employer ; and

(5) the amount of any elective deferral to a deferred compensation plan established under Article 24 of this Code pursuant to Section 457(b) of the federal Internal Revenue Code of 1986, as amended.

Basic compensation does not include (1) salary or wages for overtime or other extra service; (2) prospective salary or wages under a summer teaching contract not yet entered upon; and (3) overseas differential allowances, quarters allowances, post allowances, educational allowances and transportation allowances paid by an employer under a contract with the federal government or its agencies for services rendered in other countries. If an employee elects to receive in lieu of cash salary or wages, fringe benefits which are not taxable under the federal Federal Internal Revenue Code of 1986, as amended, the amount of the cash salary or wages which is waived shall be included in determining basic compensation.
(Source: P.A. 84-1308.)

(40 ILCS 5/15-111) (from Ch. 108 1/2, par. 15-111)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional) Sec. 15-111. Earnings.

(a) "Earnings": ~~Subject to Section 15-111.5, an~~ An amount paid for personal services equal to the sum of the basic compensation plus extra compensation for summer teaching, overtime or other extra service. For periods for which an employee receives service credit under subsection (c) of Section 15-113.1 or Section 15-113.2, earnings are equal to the basic compensation on which contributions are paid by the employee during such periods. Compensation for employment which is irregular, intermittent and temporary shall not be considered earnings, unless the participant is also receiving earnings from the employer as an employee under Section 15-107.

With respect to transition pay paid by the University of Illinois to a person who was a participating employee employed in the fire department of the University of Illinois's Champaign-Urbana campus immediately prior to the elimination of that fire department:

(1) "Earnings" includes transition pay paid to the employee on or after the effective date of this amendatory Act of the 91st General Assembly.

(2) "Earnings" includes transition pay paid to the employee before the effective date of this amendatory Act of the 91st General Assembly only if (i) employee contributions under Section 15-157 have been withheld from that transition pay or (ii) the employee pays to the System before January 1, 2001 an amount representing employee contributions under Section 15-157 on that transition pay. Employee contributions under item (ii) may be paid in a lump sum, by withholding from additional transition pay accruing before January 1, 2001, or in any other manner approved by the System. Upon payment of the employee contributions on transition pay, the corresponding employer contributions become an obligation of the State.

(b) For a Tier 2 member, the annual earnings shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

For the purposes of this Section, "consumer price index u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds by November 1 of each year.

(c) With each submission of payroll information in the manner prescribed by the System, the employer shall certify that the payroll information is correct and complies with all applicable State and federal laws. (Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/15-111.5 new)

Sec. 15-111.5. Basic compensation and earnings restrictions. For an employee who first becomes a participant on or after the effective date of this amendatory Act of the 99th General Assembly, basic compensation under Section 15-110 and earnings under Section 15-111 shall not include bonuses, housing allowances, vehicle allowances, social club dues, or athletic club dues.

(40 ILCS 5/15-113.11)

Sec. 15-113.11. Service for periods of voluntary or involuntary furlough.

(a) A participant may establish creditable service and earnings credit for periods of furlough beginning on or after July 1, 2009 and ending on or before June 30, 2011. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2011; (ii) not receive compensation from an employer for any furlough period; and (iii) make, on an after-tax basis, employee contributions required under Section 15-157 based on the rate of basic compensation during the periods of furlough, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary or involuntary furlough to the date of payment. The participant shall provide, at the time of application, written certification from the employer providing the total number of furlough days a participant has been required to take.

(b) A participant may establish creditable service and earnings credit for periods of furlough beginning on or after July 1, 2015 and ending on or before June 30, 2017. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2018; (ii) not receive compensation from an employer for any furlough period; and (iii) make, on an after-tax basis, employee contributions required under Section 15-157 based on the rate of basic compensation during the periods of furlough, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary or involuntary furlough to the date of payment. The participant shall provide, at the time of application, written certification from the employer providing the total number of furlough days a participant has been required to take.

(Source: P.A. 96-961, eff. 7-2-10.)

(40 ILCS 5/15-113.12 new)

Sec. 15-113.12. Earnings for periods of voluntary pay reduction taken in lieu of furlough. A participant may establish earnings credit for periods of voluntary pay reduction, taken in lieu of furlough, beginning on or after July 1, 2015 and ending on or before June 30, 2017. To receive this credit, the participant must: (1) apply in writing to the System before December 31, 2018; and (2) make, on an after-tax basis, employee contributions required under Section 15-157 based on the voluntary reduction in pay, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit, plus compounded interest at the actuarially assumed rate from the date of voluntary reduction in pay to the date of payment. The participant shall provide, at the time of application, (i) written certification from the employer providing the total voluntary reduction in pay per pay period for each pay period with a voluntary reduction in pay and (ii) written certification from the employer stating that the voluntary reduction in pay was taken in lieu of furlough.

(40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 15-155. Employer contributions.

(a) The State of Illinois shall make contributions by appropriations of amounts which, together with the other employer contributions from trust, federal, and other funds, employee contributions, income from investments, and other income of this System, will be sufficient to meet the cost of maintaining and administering the System on a 90% funded basis in accordance with actuarial recommendations.

The Board shall determine the amount of State contributions required for each fiscal year on the basis of the actuarial tables and other assumptions adopted by the Board and the recommendations of the actuary, using the formula in subsection (a-1).

(a-1) For State fiscal years 2012 through 2045, the minimum contribution to the System to be made by the State for each fiscal year shall be an amount determined by the System to be sufficient to bring the total assets of the System up to 90% of the total actuarial liabilities of the System by the end of State fiscal year 2045. In making these determinations, the required State contribution shall be calculated each year as a level percentage of payroll over the years remaining to and including fiscal year 2045 and shall be determined under the projected unit credit actuarial cost method.

For State fiscal years 1996 through 2005, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments so that by State fiscal year 2011, the State is contributing at the rate required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2006 is \$166,641,900.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2007 is \$252,064,100.

For each of State fiscal years 2008 through 2009, the State contribution to the System, as a percentage of the applicable employee payroll, shall be increased in equal annual increments from the required State contribution for State fiscal year 2007, so that by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2010 is \$702,514,000 and shall be made from the State Pensions Fund and proceeds of bonds sold in fiscal year 2010 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2010, (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Notwithstanding any other provision of this Article, the total required State contribution for State fiscal year 2011 is the amount recertified by the System on or before April 1, 2011 pursuant to Section 15-165 and shall be made from the State Pensions Fund and proceeds of bonds sold in fiscal year 2011 pursuant to Section 7.2 of the General Obligation Bond Act, less (i) the pro rata share of bond sale expenses determined by the System's share of total bond proceeds, (ii) any amounts received from the General Revenue Fund in fiscal year 2011, and (iii) any reduction in bond proceeds due to the issuance of discounted bonds, if applicable.

Beginning in State fiscal year 2046, the minimum State contribution for each fiscal year shall be the amount needed to maintain the total assets of the System at 90% of the total actuarial liabilities of the System.

Amounts received by the System pursuant to Section 25 of the Budget Stabilization Act or Section 8.12 of the State Finance Act in any fiscal year do not reduce and do not constitute payment of any portion of the minimum State contribution required under this Article in that fiscal year. Such amounts shall not reduce, and shall not be included in the calculation of, the required State contributions under this Article in any future year until the System has reached a funding ratio of at least 90%. A reference in this Article to the "required State contribution" or any substantially similar term does not include or apply to any amounts payable to the System under Section 25 of the Budget Stabilization Act.

Notwithstanding any other provision of this Section, the required State contribution for State fiscal year 2005 and for fiscal year 2008 and each fiscal year thereafter, as calculated under this Section and certified under Section 15-165, shall not exceed an amount equal to (i) the amount of the required State contribution that would have been calculated under this Section for that fiscal year if the System had not received any payments under subsection (d) of Section 7.2 of the General Obligation Bond Act, minus (ii) the portion of the State's total debt service payments for that fiscal year on the bonds issued in fiscal year 2003 for the purposes of that Section 7.2, as determined and certified by the Comptroller, that is the same as the System's portion of the total moneys distributed under subsection (d) of Section 7.2 of the General Obligation Bond Act. In determining this maximum for State fiscal years 2008 through 2010, however, the amount referred to in item (i) shall be increased, as a percentage of the applicable employee payroll, in equal increments calculated from the sum of the required State contribution for State fiscal year 2007 plus the applicable portion of the State's total debt service payments for fiscal year 2007 on the bonds issued in fiscal year 2003 for the purposes of Section 7.2 of the General Obligation Bond Act, so that, by State fiscal year 2011, the State is contributing at the rate otherwise required under this Section.

(b) If an employee is paid from trust or federal funds, the employer shall pay to the Board contributions from those funds which are sufficient to cover the accruing normal costs on behalf of the employee.

However, universities having employees who are compensated out of local auxiliary funds, income funds, or service enterprise funds are not required to pay such contributions on behalf of those employees. The local auxiliary funds, income funds, and service enterprise funds of universities shall not be considered trust funds for the purpose of this Article, but funds of alumni associations, foundations, and athletic associations which are affiliated with the universities included as employers under this Article and other employers which do not receive State appropriations are considered to be trust funds for the purpose of this Article.

(b-1) The City of Urbana and the City of Champaign shall each make employer contributions to this System for their respective firefighter employees who participate in this System pursuant to subsection (h) of Section 15-107. The rate of contributions to be made by those municipalities shall be determined annually by the Board on the basis of the actuarial assumptions adopted by the Board and the recommendations of the actuary, and shall be expressed as a percentage of salary for each such employee. The Board shall certify the rate to the affected municipalities as soon as may be practical. The employer contributions required under this subsection shall be remitted by the municipality to the System at the same time and in the same manner as employee contributions.

(c) Through State fiscal year 1995: The total employer contribution shall be apportioned among the various funds of the State and other employers, whether trust, federal, or other funds, in accordance with actuarial procedures approved by the Board. State of Illinois contributions for employers receiving State appropriations for personal services shall be payable from appropriations made to the employers or to the System. The contributions for Class I community colleges covering earnings other than those paid from trust and federal funds, shall be payable solely from appropriations to the Illinois Community College Board or the System for employer contributions.

(d) Beginning in State fiscal year 1996, the required State contributions to the System shall be appropriated directly to the System and shall be payable through vouchers issued in accordance with subsection (c) of Section 15-165, except as provided in subsection (g).

(e) The State Comptroller shall draw warrants payable to the System upon proper certification by the System or by the employer in accordance with the appropriation laws and this Code.

(f) Normal costs under this Section means liability for pensions and other benefits which accrues to the System because of the credits earned for service rendered by the participants during the fiscal year and expenses of administering the System, but shall not include the principal of or any redemption premium or interest on any bonds issued by the Board or any expenses incurred or deposits required in connection therewith.

(g) If the amount of a participant's earnings for any academic year used to determine the final rate of earnings, determined on a full-time equivalent basis, exceeds the amount of his or her earnings with the same employer for the previous academic year, determined on a full-time equivalent basis, by more than 6%, the participant's employer shall pay to the System, in addition to all other payments required under this Section and in accordance with guidelines established by the System, the present value of the increase in benefits resulting from the portion of the increase in earnings that is in excess of 6%. This present value shall be computed by the System on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the System that is available at the time of the computation. The System may require the employer to provide any pertinent information or documentation.

Whenever it determines that a payment is or may be required under this subsection (g), the System shall calculate the amount of the payment and bill the employer for that amount. The bill shall specify the calculations used to determine the amount due. If the employer disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the System in writing for a recalculation. The application must specify in detail the grounds of the dispute and, if the employer asserts that the calculation is subject to subsection (h) or (i) of this Section, must include an affidavit setting forth and attesting to all facts within the employer's knowledge that are pertinent to the applicability of subsection (h) or (i). Upon receiving a timely application for recalculation, the System shall review the application and, if appropriate, recalculate the amount due.

The employer contributions required under this subsection (g) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the employer contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the System's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after the employer's receipt of the bill.

When assessing payment for any amount due under this subsection (g), the System shall include earnings, to the extent not established by a participant under Section 15-113.11 or 15-113.12, that would have been paid to the participant had the participant not taken (i) periods of voluntary or involuntary furlough occurring on or after July 1, 2015 and on or before June 30, 2017 or (ii) periods of voluntary pay

reduction in lieu of furlough occurring on or after July 1, 2015 and on or before June 30, 2017. Determining earnings that would have been paid to a participant had the participant not taken periods of voluntary or involuntary furlough or periods of voluntary pay reduction shall be the responsibility of the employer, and shall be reported in a manner prescribed by the System.

(h) This subsection (h) applies only to payments made or salary increases given on or after June 1, 2005 but before July 1, 2011. The changes made by Public Act 94-1057 shall not require the System to refund any payments received before July 31, 2006 (the effective date of Public Act 94-1057).

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to participants under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases paid to a participant at a time when the participant is 10 or more years from retirement eligibility under Section 15-135.

When assessing payment for any amount due under subsection (g), the System shall exclude earnings increases resulting from overload work, including a contract for summer teaching, or overtime when the employer has certified to the System, and the System has approved the certification, that: (i) in the case of overloads (A) the overload work is for the sole purpose of academic instruction in excess of the standard number of instruction hours for a full-time employee occurring during the academic year that the overload is paid and (B) the earnings increases are equal to or less than the rate of pay for academic instruction computed using the participant's current salary rate and work schedule; and (ii) in the case of overtime, the overtime was necessary for the educational mission.

When assessing payment for any amount due under subsection (g), the System shall exclude any earnings increase resulting from (i) a promotion for which the employee moves from one classification to a higher classification under the State Universities Civil Service System, (ii) a promotion in academic rank for a tenured or tenure-track faculty position, or (iii) a promotion that the Illinois Community College Board has recommended in accordance with subsection (k) of this Section. These earnings increases shall be excluded only if the promotion is to a position that has existed and been filled by a member for no less than one complete academic year and the earnings increase as a result of the promotion is an increase that results in an amount no greater than the average salary paid for other similar positions.

(i) When assessing payment for any amount due under subsection (g), the System shall exclude any salary increase described in subsection (h) of this Section given on or after July 1, 2011 but before July 1, 2014 under a contract or collective bargaining agreement entered into, amended, or renewed on or after June 1, 2005 but before July 1, 2011. Notwithstanding any other provision of this Section, any payments made or salary increases given after June 30, 2014 shall be used in assessing payment for any amount due under subsection (g) of this Section.

(j) The System shall prepare a report and file copies of the report with the Governor and the General Assembly by January 1, 2007 that contains all of the following information:

(1) The number of recalculations required by the changes made to this Section by Public Act 94-1057 for each employer.

(2) The dollar amount by which each employer's contribution to the System was changed due to recalculations required by Public Act 94-1057.

(3) The total amount the System received from each employer as a result of the changes made to this Section by Public Act 94-4.

(4) The increase in the required State contribution resulting from the changes made to this Section by Public Act 94-1057.

(k) The Illinois Community College Board shall adopt rules for recommending lists of promotional positions submitted to the Board by community colleges and for reviewing the promotional lists on an annual basis. When recommending promotional lists, the Board shall consider the similarity of the positions submitted to those positions recognized for State universities by the State Universities Civil Service System. The Illinois Community College Board shall file a copy of its findings with the System. The System shall consider the findings of the Illinois Community College Board when making determinations under this Section. The System shall not exclude any earnings increases resulting from a promotion when the promotion was not submitted by a community college. Nothing in this subsection (k) shall require any community college to submit any information to the Community College Board.

(l) For purposes of determining the required State contribution to the System, the value of the System's assets shall be equal to the actuarial value of the System's assets, which shall be calculated as follows:

As of June 30, 2008, the actuarial value of the System's assets shall be equal to the market value of the assets as of that date. In determining the actuarial value of the System's assets for fiscal years after June

30, 2008, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(m) For purposes of determining the required State contribution to the system for a particular year, the actuarial value of assets shall be assumed to earn a rate of return equal to the system's actuarially assumed rate of return.

(Source: P.A. 97-813, eff. 7-13-12; 98-92, eff. 7-16-13; 98-463, eff. 8-16-13.)

(40 ILCS 5/15-158.2)

Sec. 15-158.2. Self-managed plan.

(a) Purpose. The General Assembly finds that it is important for colleges and universities to be able to attract and retain the most qualified employees and that in order to attract and retain these employees, colleges and universities should have the flexibility to provide a defined contribution plan as an alternative for eligible employees who elect not to participate in a defined benefit retirement program provided under this Article. Accordingly, the State Universities Retirement System is hereby authorized to establish and administer a self-managed plan, which shall offer participating employees the opportunity to accumulate assets for retirement through a combination of employee and employer contributions that may be invested in mutual funds, collective investment funds, or other investment products and used to purchase annuity contracts, either fixed or variable or a combination thereof. The plan must be qualified under the Internal Revenue Code of 1986.

(b) Adoption by employers. Each employer subject to this Article may elect to adopt the self-managed plan established under this Section; this election is irrevocable. An employer's election to adopt the self-managed plan makes available to the eligible employees of that employer the elections described in Section 15-134.5.

The State Universities Retirement System shall be the plan sponsor for the self-managed plan and shall prepare a plan document and prescribe such rules and procedures as are considered necessary or desirable for the administration of the self-managed plan. Consistent with its fiduciary duty to the participants and beneficiaries of the self-managed plan, the Board of Trustees of the System may delegate aspects of plan administration as it sees fit to companies authorized to do business in this State, to the employers, or to a combination of both.

(c) Selection of service providers and funding vehicles. The System, in consultation with the employers, shall solicit proposals to provide administrative services and funding vehicles for the self-managed plan from insurance and annuity companies and mutual fund companies, banks, trust companies, or other financial institutions authorized to do business in this State. In reviewing the proposals received and approving and contracting with no fewer than 2 and no more than 7 companies, the Board of Trustees of the System shall consider, among other things, the following criteria:

- (1) the nature and extent of the benefits that would be provided to the participants;
- (2) the reasonableness of the benefits in relation to the premium charged;
- (3) the suitability of the benefits to the needs and interests of the participating employees and the employer;
- (4) the ability of the company to provide benefits under the contract and the financial stability of the company; and
- (5) the efficacy of the contract in the recruitment and retention of employees.

The System, in consultation with the employers, shall periodically review each approved company. A company may continue to provide administrative services and funding vehicles for the self-managed plan only so long as it continues to be an approved company under contract with the Board.

(d) Employee Direction. Employees who are participating in the program must be allowed to direct the transfer of their account balances among the various investment options offered, subject to applicable contractual provisions. The participant shall not be deemed a fiduciary by reason of providing such investment direction. A person who is a fiduciary shall not be liable for any loss resulting from such investment direction and shall not be deemed to have breached any fiduciary duty by acting in accordance with that direction. The System shall provide advance notice to the participant of the participant's obligation to direct the investment of employee and employer contributions into one or more investment funds selected by the System at the time he or she makes his or her initial retirement plan selection. If a participant fails to direct the investment of employee and employer contributions into the various investment options offered to the participant when making his or her initial retirement election choice, that failure shall require the System to invest the employee and employer contributions in a default investment fund on behalf of the participant, and the investment shall be deemed to have been made at the participant's investment direction. The participant has the right to transfer account balances out of the default investment fund during time periods designated by the System. Neither the System nor the employer guarantees any of the investments in the employee's account balances.

(e) Participation. An employee eligible to participate in the self-managed plan must make a written election in accordance with the provisions of Section 15-134.5 and the procedures established by the System. Participation in the self-managed plan by an electing employee shall begin on the first day of the first pay period following the later of the date the employee's election is filed with the System or the effective date as of which the employee's employer begins to offer participation in the self-managed plan. Employers may not make the self-managed plan available earlier than January 1, 1998. An employee's participation in any other retirement program administered by the System under this Article shall terminate on the date that participation in the self-managed plan begins.

An employee who has elected to participate in the self-managed plan under this Section must continue participation while employed in an eligible position, and may not participate in any other retirement program administered by the System under this Article while employed by that employer or any other employer that has adopted the self-managed plan, unless the self-managed plan is terminated in accordance with subsection (i).

Notwithstanding any other provision of this Article, a Tier 2 member shall have the option to enroll in the self-managed plan.

Participation in the self-managed plan under this Section shall constitute membership in the State Universities Retirement System.

A participant under this Section shall be entitled to the benefits of Article 20 of this Code.

(f) Establishment of Initial Account Balance. If at the time an employee elects to participate in the self-managed plan he or she has rights and credits in the System due to previous participation in the traditional benefit package, the System shall establish for the employee an opening account balance in the self-managed plan, equal to the amount of contribution refund that the employee would be eligible to receive under Section 15-154 if the employee terminated employment on that date and elected a refund of contributions, except that this hypothetical refund shall include interest at the effective rate for the respective years. The System shall transfer assets from the defined benefit retirement program to the self-managed plan, as a tax free transfer in accordance with Internal Revenue Service guidelines, for purposes of funding the employee's opening account balance.

(g) No Duplication of Service Credit. Notwithstanding any other provision of this Article, an employee may not purchase or receive service or service credit applicable to any other retirement program administered by the System under this Article for any period during which the employee was a participant in the self-managed plan established under this Section.

(h) Contributions. The self-managed plan shall be funded by contributions from employees participating in the self-managed plan and employer contributions as provided in this Section.

The contribution rate for employees participating in the self-managed plan under this Section shall be equal to the employee contribution rate for other participants in the System, as provided in Section 15-157. This required contribution shall be made as an "employer pick-up" under Section 414(h) of the Internal Revenue Code of 1986 or any successor Section thereof. Any employee participating in the System's traditional benefit package prior to his or her election to participate in the self-managed plan shall continue to have the employer pick up the contributions required under Section 15-157. However, the amounts picked up after the election of the self-managed plan shall be remitted to and treated as assets of the self-managed plan. In no event shall an employee have an option of receiving these amounts in cash. Employees may make additional contributions to the self-managed plan in accordance with procedures prescribed by the System, to the extent permitted under rules prescribed by the System.

The program shall provide for employer contributions to be credited to each self-managed plan participant at a rate of 7.6% of the participating employee's salary, less the amount used by the System to provide disability benefits for the employee. The amounts so credited shall be paid into the participant's self-managed plan accounts in a manner to be prescribed by the System.

An amount of employer contribution, not exceeding 1% of the participating employee's salary, shall be used for the purpose of providing the disability benefits of the System to the employee. Prior to the beginning of each plan year under the self-managed plan, the Board of Trustees shall determine, as a percentage of salary, the amount of employer contributions to be allocated during that plan year for providing disability benefits for employees in the self-managed plan.

The State of Illinois shall make contributions by appropriations to the System of the employer contributions required for employees who participate in the self-managed plan under this Section. The amount required shall be certified by the Board of Trustees of the System and paid by the State in accordance with Section 15-165. The System shall not be obligated to remit the required employer contributions to any of the insurance and annuity companies, mutual fund companies, banks, trust companies, financial institutions, or other sponsors of any of the funding vehicles offered under the self-managed plan until it has received the required employer contributions from the State. In the event of a

deficiency in the amount of State contributions, the System shall implement those procedures described in subsection (c) of Section 15-165 to obtain the required funding from the General Revenue Fund.

(i) Termination. The self-managed plan authorized under this Section may be terminated by the System, subject to the terms of any relevant contracts, and the System shall have no obligation to reestablish the self-managed plan under this Section. This Section does not create a right to continued participation in any self-managed plan set up by the System under this Section. If the self-managed plan is terminated, the participants shall have the right to participate in one of the other retirement programs offered by the System and receive service credit in such other retirement program for any years of employment following the termination.

(j) Vesting; Withdrawal; Return to Service. A participant in the self-managed plan becomes vested in the employer contributions credited to his or her accounts in the self-managed plan on the earliest to occur of the following: (1) completion of 5 years of service with an employer described in Section 15-106; (2) the death of the participating employee while employed by an employer described in Section 15-106, if the participant has completed at least 1 1/2 years of service; or (3) the participant's election to retire and apply the reciprocal provisions of Article 20 of this Code.

A participant in the self-managed plan who receives a distribution of his or her vested amounts from the self-managed plan while not yet eligible for retirement under this Article (and Article 20, if applicable) shall forfeit all service credit and accrued rights in the System; if subsequently re-employed, the participant shall be considered a new employee. If a former participant again becomes a participating employee (or becomes employed by a participating system under Article 20 of this Code) and continues as such for at least 2 years, all such rights, service credits, and previous status as a participant shall be restored upon repayment of the amount of the distribution, without interest.

(k) Benefit amounts. If an employee who is vested in employer contributions terminates employment, the employee shall be entitled to a benefit which is based on the account values attributable to both employer and employee contributions and any investment return thereon.

If an employee who is not vested in employer contributions terminates employment, the employee shall be entitled to a benefit based solely on the account values attributable to the employee's contributions and any investment return thereon, and the employer contributions and any investment return thereon shall be forfeited. Any employer contributions which are forfeited shall be held in escrow by the company investing those contributions and shall be used as directed by the System for future allocations of employer contributions or for the restoration of amounts previously forfeited by former participants who again become participating employees.

(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/15-168) (from Ch. 108 1/2, par. 15-168)
Sec. 15-168. To require information.

(a) To require such information as shall be necessary for the proper operation of the system from any participant or ~~beneficiary or annuitant benefit recipient~~ or from any ~~current or former~~ employer of a ~~participant or annuitant~~. Such information may include, but is not limited to, ~~employment contracts current or former participant~~.

(b) When the System submits a request for information under subsection (a) of this Section, the employer shall respond within 90 calendar days of the System's request. Beginning on the 91st calendar day after the System's request, the System may assess a penalty of \$250 per calendar day until receipt of the information by the System, with a maximum penalty of \$25,000. All payments must be received within one calendar year after receipt of the information by the System or one calendar year of reaching the maximum penalty of \$25,000, whichever occurs earlier. If the employer fails to make complete payment within the applicable timeframe, then the System may, after giving notice to the employer, certify the delinquent amount to the State Comptroller, and the Comptroller shall thereupon deduct the certified delinquent amount from State funds payable to the employer and pay them instead to the System.

(c) If a participant, beneficiary, or annuitant fails to provide any information that is necessary for the calculation, payment, or finalization of any benefit under this Article within 90 calendar days of the date of the System's request under subsection (a) of this Section, then the System may immediately cease processing the benefit and may not pay any additional benefit payment to the participant, beneficiary, or annuitant until the requested information is provided.

(Source: P.A. 98-92, eff. 7-16-13; 99-450, eff. 8-24-15.)

(40 ILCS 5/15-168.2)

Sec. 15-168.2. Audit of employers.

(a) Beginning August 1, 2013, the System may audit the employment records and payroll records of all employers. When the System audits an employer, it shall specify the exact information it requires, which may include but need not be limited to the names, titles, and earnings history of every individual receiving

compensation from the employer. If an employer is audited by the System, then the employer must provide to the System all necessary documents and records within 60 calendar days after receiving notification from the System. When the System audits an employer, it shall send related correspondence by certified mail.

(b) When the System submits a request for information under subsection (a) of this Section, the employer shall respond within 60 calendar days of the System's request. Beginning on the 61st calendar day after the System's request, the System may assess a penalty of \$250 per calendar day until receipt of the information by the System, with a maximum penalty of \$25,000. All payments must be received by the System within one calendar year after receipt of the information by the System or one calendar year after reaching the maximum penalty of \$25,000, whichever occurs earlier. If the employer fails to make complete payment within the applicable timeframe, then the System may, after giving notice to the employer, certify the delinquent amount to the State Comptroller, and the Comptroller shall thereupon deduct the certified delinquent amount from State funds payable to the employer and pay them instead to the System.

(Source: P.A. 97-968, eff. 8-16-12)."

Under the rules, the foregoing **Senate Bill No. 2156**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2241

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 2241

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2241

AMENDMENT NO. 1. Amend Senate Bill 2241 on page 1, line 21, by deleting "or rail carrier"; and

on page 1, line 23, after "company", by inserting "or rail carrier".

Under the rules, the foregoing **Senate Bill No. 2241**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2701

A bill for AN ACT concerning public employee benefits.

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

House Amendment No. 2 to SENATE BILL NO. 2701

House Amendment No. 3 to SENATE BILL NO. 2701

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2701

AMENDMENT NO. 2. Amend Senate Bill 2701 by replacing everything after the enacting clause with the following:

[May 29, 2016]

"Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:
(5 ILCS 140/7.5)

Sec. 7.5. Statutory exemptions. To the extent provided for by the statutes referenced below, the following shall be exempt from inspection and copying:

(a) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(b) Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act.

(c) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(d) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(e) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(f) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(g) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(h) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act, and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.

(i) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(k) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(l) Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(m) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(n) Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(o) Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act.

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(q) Information prohibited from being disclosed by the Personnel Records Review Act.

(r) Information prohibited from being disclosed by the Illinois School Student Records Act.

(s) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(t) All identified or deidentified health information in the form of health data or medical records contained in, stored in, submitted to, transferred by, or released from the Illinois Health Information Exchange, and identified or deidentified health information in the form of health data and medical records of the Illinois Health Information Exchange in the possession of the Illinois Health Information Exchange Authority due to its administration of the Illinois Health Information Exchange. The terms "identified" and "deidentified" shall be given the same meaning as in the Health Insurance

Portability and Accountability and Portability Act of 1996, Public Law 104-191, or any subsequent amendments thereto, and any regulations promulgated thereunder.

(u) Records and information provided to an independent team of experts under Brian's Law.

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(w) Personally identifiable information which is exempted from disclosure under subsection (g) of Section 19.1 of the Toll Highway Act.

(x) Information which is exempted from disclosure under Section 5-1014.3 of the Counties Code or Section 8-11-21 of the Illinois Municipal Code.

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) ~~(bb)~~ Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Time sheets submitted pursuant to subsection (b) of Section 7-137.2 of the Illinois Pension Code. (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14; 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16; revised 10-14-15.)

Section 10. The Illinois Pension Code is amended by changing Section 7-137 and by adding Section 7-137.2 as follows:

(40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

Sec. 7-137. Participating and covered employees.

(a) The persons described in this paragraph (a) shall be included within and be subject to this Article and eligible to benefits from this fund, beginning upon the dates hereinafter specified:

1. Except as to the employees specifically excluded under the provisions of this Article, all persons who are employees of any municipality (or instrumentality thereof) or participating instrumentality on the effective date of participation of the municipality or participating instrumentality beginning upon such effective date.

2. Except as to the employees specifically excluded under the provisions of this Article, all persons, who became employees of any participating municipality (or instrumentality thereof) or participating instrumentality after the effective date of participation of such municipality or participating instrumentality, beginning upon the date such person becomes an employee.

3. All persons who file notice with the board as provided in paragraph (b) 2 and 3 of this Section, beginning upon the date of filing such notice.

(b) The following described persons shall not be considered participating employees eligible for benefits from this fund, but shall be included within and be subject to this Article (each of the descriptions is not exclusive but is cumulative):

1. Any person who occupies an office or is employed in a position normally requiring performance of duty during less than 600 hours a year for a municipality (including all instrumentalities thereof) or a participating instrumentality. If a school treasurer performs services for more than one school district, the total number of hours of service normally required for the several school districts shall be considered to determine whether he qualifies under this paragraph;

2. Except as provided in items 2.5 and 2.6, any ~~Any~~ person who holds elective office unless he has elected while in that office in a written notice on file with the board to become a participating employee;

[May 29, 2016]

2.5. Except as provided in item 2.6, any person who holds elective office as a member of a county board, unless:

(i) the person was first elected as a member of a county board before the effective date of this amendatory Act of the 99th General Assembly;

(ii) the person has elected while in that office, in a written notice on file with the board, to become a participating employee;

(iii) the county board has filed the resolution required by subsection (a) of Section 7-137.2 of this Article; and

(iv) the person has submitted the required time sheets evidencing that the person has met the hourly standard as required by subsection (b) of Section 7-137.2 of this Article;

2.6. Any person who is an elected member of a county board and is first so elected on or after the effective date of this amendatory Act of the 99th General Assembly;

3. Any person working for a city hospital unless any such person, while in active employment, has elected in a written notice on file with the board to become a participating employee and notification thereof is received by the board;

4. Any person who becomes an employee after June 30, 1979 as a public service employment program participant under the federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

5. Any person who is actively employed by a municipality on its effective date of participation in the Fund if that municipality (i) has at least 35 employees on its effective date of participation; (ii) is located in a county with at least 2,000,000 inhabitants; and (iii) maintains an independent defined benefit pension plan for the benefit of its eligible employees, unless the person files with the board within 90 days after the municipality's effective date of participation an irrevocable election to participate.

(c) Any person electing to be a participating employee, pursuant to paragraph (b) of this Section may not change such election, except as provided in Section 7-137.1.

(d) Any employee who occupied the position of school nurse in any participating municipality on August 8, 1961 and continuously thereafter until the effective date of the exercise of the option authorized by this subparagraph, who on August 7, 1961 was a member of the Teachers' Retirement System of Illinois, by virtue of certification by the Department of Registration and Education as a public health nurse, may elect to terminate participation in this Fund in order to re-establish membership in such System. The election may be exercised by filing written notice thereof with the Board or with the Board of Trustees of said Teachers' Retirement System, not later than September 30, 1963, and shall be effective on the first day of the calendar month next following the month in which the notice was filed. If the written notice is filed with such Teachers' Retirement System, that System shall immediately notify this Fund, but neither failure nor delay in notification shall affect the validity of the employee's election. If the option is exercised, the Fund shall notify such Teachers' Retirement System of such fact and transfer to that system the amounts contributed by the employee to this Fund, including interest at 3% per annum, but excluding contributions applicable to social security coverage during the period beginning August 8, 1961 to the effective date of the employee's election. Participation in this Fund as to any credits on or after August 8, 1961 and up to the effective date of the employee's election shall terminate on such effective date.

(e) Any participating municipality or participating instrumentality, other than a school district or special education joint agreement created under Section 10-22.31 of the School Code, may, by a resolution or ordinance duly adopted by its governing body, elect to exclude from participation and eligibility for benefits all persons who are employed after the effective date of such resolution or ordinance and who occupy an office or are employed in a position normally requiring performance of duty for less than 1000 hours per year for the participating municipality (including all instrumentalities thereof) or participating instrumentality except for persons employed in a position normally requiring performance of duty for 600 hours or more per year (i) by such participating municipality or participating instrumentality prior to the effective date of the resolution or ordinance and (ii) by a participating municipality or participating instrumentality, which had not adopted such a resolution when the person was employed, and the function served by the employee's position is assumed by another participating municipality or participating instrumentality. Notwithstanding the foregoing, a participating municipality or participating instrumentality which is formed solely to succeed to the functions of a participating municipality or participating instrumentality shall be considered to have adopted any such resolution or ordinance which may have been applicable to the employees performing such functions. The election made by the resolution or ordinance shall take effect at the time specified in the resolution or ordinance, and once effective shall be irrevocable.

(Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11; 97-609, eff. 1-1-12.)

(40 ILCS 5/7-137.2 new)

Sec. 7-137.2. Participation by elected members of county boards.

(a) An elected member of a county board is not eligible to participate in the Fund with respect to that position unless the county board has adopted a resolution, after public debate and in a form acceptable to the Fund, certifying that persons in the position of elected member of the county board are expected to work at least 600 hours annually (or 1000 hours annually in a county that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). The resolution must be adopted and filed with the Fund no more than 90 days after each general election in which a member of the county board is elected.

(b) An elected member of a county board that participates in the Fund with respect to that position shall monthly submit, to the county fiscal officer, time sheets documenting the time spent on official government business as an elected member of the county board. The time sheets shall be (1) submitted on paper or electronically, or both, and (2) maintained by the county board for 5 years. An elected member of a county board who fails to submit time sheets or fails to conduct official government business with respect to that position for either 600 hours or 1000 hours (whichever is applicable) annually shall not be permitted to continue participation in the Fund as an elected member of a county board. The Fund may request that the governing body certify that an elected member of a county board is permitted to continue participation with respect to that position. Time sheets submitted pursuant to this subsection are exempt from disclosure under the Freedom of Information Act.

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

AMENDMENT NO. 3 TO SENATE BILL 2701

AMENDMENT NO. 3. Amend Senate Bill 2701, AS AMENDED, by deleting all of Section 5; and in Section 10, in Sec. 7-137.2, by deleting all of the last sentence of subsection (b).

Under the rules, the foregoing **Senate Bill No. 2701**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2813

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 2813

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2813

AMENDMENT NO. 1. Amend Senate Bill 2813 by replacing everything after the enacting clause with the following:

"Section 5. The Coal Mining Act is amended by changing Sections 5.06, 5.09, 5.10, 5.11, 6.01, 6.04, 6.05, 6.10, 6.11, 6.12, 6.15, 6.16, 16.11, 25.01, 25.02, 25.04, 25.05, 29.01, 31.03, 31.04, 31.05, 31.06, 31.10, and 31.30 and by adding Section 1.25 as follows:

(225 ILCS 705/1.25 new)

Sec. 1.25. Recorder. "Recorder" means a person with a mine manager certification or mine examiner certification who is trained and designated by the operator as the individual responsible for recording the mine examiner's examination of the underground workings of the mine.

(225 ILCS 705/5.06) (from Ch. 96 1/2, par. 506)

Sec. 5.06. The mine manager shall be responsible for the performance of all the functions and duties prescribed in Sections 5.07 to 5.25, both inclusive. The mine manager may not perform the duties of a mine examiner while serving in the capacity of a mine manager.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/5.09) (from Ch. 96 1/2, par. 509)

[May 29, 2016]

Sec. 5.09. (A) In all gassy mines:

1. When the mine is to be operated, he shall have the prescribed working places of such mine examined by a certified mine examiner within 3 4 hours before the workers of any shift, other than the examiner or the examiners designated by the mine manager to make the examination, enter the underground areas of such mine. Have the mine examiner inspect every active working place in the mine and make tests therein with a multi-gas detector ~~permissible flame safety lamp~~ for accumulation of methane and oxygen deficiency in the air therein; examine intake seals used to ventilate a working section and doors to determine whether they are functioning properly; inspect and test the roof, face and rib conditions in the working areas and on active roadways and travelways; inspect active roadways, travelways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume.

2. On "non-coal producing shifts", if the mine has a minimum of 120 psi seals, he shall have the mine examined by a certified mine examiner in any area where any person is scheduled to work or travel underground. If the mine has less than 120 psi seals, he shall have the mine examined by a certified mine examiner in its entirety the same as for a coal producing shift, except where persons are to work only in the shaft, slope, drift, or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined. If the mine has a minimum of 120 psi seals and the mine has not been examined in its entirety for 7 consecutive days, he shall have a certified mine examiner conduct a full mine examination, including seals and escape ways, prior to anyone other than the mine examiner or mine examiners designated by the mine manager to make the examination enter the underground areas of such mine. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall have the mine examined in its entirety the same as for a coal producing shift, except where persons are to work only in the shaft, slope, or drift or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined.

3. He shall see that no person, other than competent personnel, enters any underground area in a gassy mine, except during a coal-producing shift, unless an examination of such area has been made by a mine examiner within 12 hours immediately preceding his entrance into such area.

4. If the mine has constructed a minimum of 120 psi seals, he shall have a certified mine examiner conduct weekly examinations at each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal is not used to ventilate a working section. If the mine has constructed less than 120 psi seals, he shall have a certified mine examiner conduct a daily examination of each seal along return and bleeder air courses. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall have each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal not used to ventilate a working section to be examined by a certified mine examiner before the workers of any shift, other than the examiner or the examiners designated by the mine manager to make the examination, enter the underground areas of such mine.

5. He shall have a certified mine examiner conduct weekly examinations of escape ways required by Sections 19.11 and 19.13.

(B) In non-gassy mines:

1. Have the underground areas examined by a certified mine examiner at least once in each calendar day during which coal is produced. Such examination shall be made within 4 hours immediately preceding the beginning of the first coal-producing shift on such day.

2. On idle days, have all sections of the mine examined where men are to be required to work.

3. On idle nights, when the mine has been examined for the day shift and the men are to work in sections previously examined and no coal is to be mined, no further examination shall be required.

(C) One examination on each day when workers perform production or idle day work shall include the escape ways required by Sections 19.11 and 19.13.

(Source: P.A. 81-992.)

(225 ILCS 705/5.10) (from Ch. 96 1/2, par. 510)

Sec. 5.10. To have the underground working places in the mine examined for hazards by competent personnel designated by the operator to do so, at least once during each coal-producing shift, or oftener if necessary for safety. Examinations in a gassy mine such examinations shall include tests with a multi-gas detector ~~permissible flame safety lamp~~ for methane and oxygen deficiency. In all underground face workings ~~in a gassy mine~~ where electrically driven equipment is operated, examinations for methane shall

be made with a multi-gas detector ~~permissible flame safety lamp~~ by a person trained in the use of such multi-gas detector lamp before equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/5.11) (from Ch. 96 1/2, par. 511)

Sec. 5.11. To see that a mine examiner makes the examinations provided in Articles 5, 6, and 31 of this Act; and that he enters his report either by calling the results of the examination to a recorder on the surface or by personally recording the report. The recorder or mine examiner shall record the report in a book or computer system that is thereof with indelible pencil or ink in a well-bound or properly protected loose leaf book provided by the operator for that purpose, and the book or computer system shall be secure and not susceptible to alteration.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.01) (from Ch. 96 1/2, par. 601)

Sec. 6.01. Each applicant for a certificate of competency as mine examiner shall produce evidence satisfactory to the Mining Board that he is a citizen of the United States, at least 21 years of age and of good repute and temperate habits and that he has had at least 4 years practical underground mining experience, and has been issued a First Class Certificate of Competency by the Department of Natural Resources. He shall pass an examination as to his experience in mines generating dangerous gases, his practical and technological knowledge of the nature and properties of mine gases, the laws of ventilation, the structures and use of multi-gas detectors safety lamps, and the laws of this State relating to safeguards against fires from any source in mines. He shall also submit to the Mining Board satisfactory evidence that he has completed a course of training in first aid to the injured and mine rescue methods and appliances prescribed by the Department. Persons who have graduated and hold a degree in engineering or an approved 4-year program in coal mining technology from an accredited school, college, or university, are required to have only 2 years of practical underground mining experience to qualify for the examination for a certificate of competency.

Persons who have graduated and hold a two-year Associate in Applied Science Degree in Coal Mining Technology from an accredited school, college or university are required to have only 3 years' practical underground mining experience to qualify for the examination for a Certificate of Competency as a Mine Examiner.

(Source: P.A. 89-445, eff. 2-7-96.)

(225 ILCS 705/6.04) (from Ch. 96 1/2, par. 604)

Sec. 6.04. (A) In all gassy mines:

1. When the mine is to be operated, he shall examine the prescribed working places of such mine within 3 4 hours before any workers in such shift, other than the examiner or the examiners designated by the mine manager Mine Manager to make the examination, enter the underground areas of the mine. Examine every active working place in the mine and make tests therein with a multi-gas detector permissible flame safety lamp for accumulation of methane and oxygen deficiency in the air therein; examine intake seals used to ventilate a working section and doors to determine whether they are functioning properly; inspect and test the roof, face, and rib conditions in the working areas and on active roadways and travelways; inspect active roadways, travelways, approaches to abandoned workings, and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume.

2. On non-coal producing shifts, if the mine has a constructed minimum of 120 psi seals, he shall examine the mine in any area where any person is scheduled to work or travel underground. If the mine has less constructed than 120 psi seals, he shall examine the mine in its entirety the same as for a coal producing shift, except where men are to work only in the shaft, slope, or drift or on the immediate shaft bottom, then only that area immediately surrounding the bottom need be examined. If the mine has a minimum of 120 psi seals and the mine has not been examined in its entirety for 7 consecutive days, a full mine examine shall be conducted, including seals and escape ways, prior to anyone other than the examiner or the examiners designated by the mine manager to make the examination enter the underground areas of such mine. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall examine the mine in its entirety the same as for a coal producing shift, except where persons are to work only in the shaft, slope, or drift or on the immediate shaft or slope bottom, then only that area immediately surrounding the bottom shall be examined.

3. If the mine has constructed a minimum of 120 psi seals, he shall conduct weekly examinations at each seal along return and bleeder air courses and at each seal along intake air courses where intake air

passing by the seal is not used to ventilate a working section. If such mine has constructed less than 120 psi seals, he shall conduct a daily examination of each seal along return and bleeder air courses. If it is known that the air downwind of a minimum 120 psi seals when tested at a point not less than 12 inches from the roof, face, or rib contains more than 1.0% of methane as determined by permissible methane detector, air analysis, or other recognized means of accurately detecting such gas, he shall examine each seal along return and bleeder air courses and at each seal along intake air courses where intake air passing by the seal not used to ventilate a working section before the workers of any shift may enter the underground areas of such mine.

4. Conduct weekly examinations of escape ways required by Sections 19.11 and 19.13.

(B) In non-gassy mines:

1. He shall examine the underground areas in the mine at least once in each calendar day during which coal is produced. Such examination shall be made within 4 hours immediately preceding the beginning of the first coal-producing shift on such day.

2. On idle days he shall examine all sections of the mine where men are required to work.

3. On idle nights, if the mine has been examined for the day shift and the men are to work in sections previously examined and no coal is to be mined, no further examination shall be required.

(C) One examination on each day when workers perform production or idle day work shall include the escape ways required by Sections 19.11 and 19.13.

(Source: P.A. 81-992.)

(225 ILCS 705/6.05) (from Ch. 96 1/2, par. 605)

Sec. 6.05. When in the performance of his duties, he shall carry with him a multi-gas detector safety lamp in proper order and condition and a rod or bar for sounding the roof.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.10) (from Ch. 96 1/2, par. 610)

Sec. 6.10. Upon completing his examination, he shall make a daily record either by calling out the results of the examination to a recorder on the surface or by personally recording the report. The recorder or mine examiner shall record the report in a book or computer system that is provided by the operator for that purpose, and the book or computer system shall be secure and not susceptible to alteration. The examination report is of the same in a book kept for that purpose, for the information of the company, the State Mine Inspector, and all other persons interested; and this report shall be recorded before the miners are permitted to enter the mine. If the examination report is called out by the mine examiner to a recorder, the recorder must place his signature, certificate number, and date in the book or computer system record shall be made each morning before the miners are permitted to enter the mine. If the examination report is called out, the mine examiner shall verify the report by his signature, certificate number, and date by or at the end of his shift. If the mine examiner finds an omission or error in the report, the report shall be corrected and he must immediately notify the shift mine manager of the omission or error.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.11) (from Ch. 96 1/2, par. 611)

Sec. 6.11. Should any dangerous conditions be found as described in Section 6.09, he shall immediately notify the shift mine manager record the same in the daily record book of examinations, setting forth the nature of the conditions found and the location of same.

(Source: Laws 1955, p. 2012.)

(225 ILCS 705/6.12) (from Ch. 96 1/2, par. 612)

Sec. 6.12. It shall be unlawful for the operator of any mine to have in his service as mine examiner any person who does not hold a certificate of competency issued by the Mining Board except that anyone holding a mine manager's certificate may serve as a mine examiner. The ; but in any mine employing more than 25 men, the mine manager shall not act in the capacity of mine examiner while acting as mine manager. However, whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding 7 days, and with the approval of the State Mine Inspector of the district, for a further period not exceeding 23 days. The employment of persons who do not hold certificates as mine examiners shall in no case exceed the limit of time specified herein, and the State Mine Inspector shall not approve of the employment of such persons beyond the 23 day limit.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.15) (from Ch. 96 1/2, par. 615)

Sec. 6.15. A in mines classified as gassy, a sufficient number of men trained in the use of a multi-gas detector permissible flame safety lamp shall be employed by the operator, who shall examine the mine for obnoxious and inflammable gases while men are working therein.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/6.16) (from Ch. 96 1/2, par. 616)

Sec. 6.16. When in the judgment of the State Mine Inspector, expressed in writing to the mine operator, certain sections of a mine generate dangerous quantities of explosive gases, the State Mine Inspector shall require those sections of the mine to be examined for gas in a prescribed manner and at shorter intervals of time than 3 4 hours preceding the time the day shift goes on duty for every day in which the mine is to be operated.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/16.11) (from Ch. 96 1/2, par. 1611)

Sec. 16.11. Socketed ropes shall be cut off and resocketed pursuant to the manufacturer's recommendation, if found to be damaged or defective at least once each six months, or more often if necessary, and a notice shall be posted in the engine room giving the date when the rope was installed and when resocketed.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.01) (from Ch. 96 1/2, par. 2501)

Sec. 25.01. Multi-gas detectors ~~Not less than two permissible flame safety lamps~~ and a barometer, all in proper working condition, shall be kept available at each mine for the use of authorized persons. Only permissible multi-gas detectors flame safety lamps, permissible methane detectors, or air sampling and analysis shall be used for determining the presence of methane and other gases in mine air.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.02) (from Ch. 96 1/2, par. 2502)

Sec. 25.02. ~~Mine In gassy mines, mine~~ officials whose regular duties require them to inspect working places shall have in their possession, when underground, a permissible multi-gas detector flame safety lamp in safe working condition, for the detection of methane and oxygen deficiency.

(Source: P.A. 80-296.)

(225 ILCS 705/25.04) (from Ch. 96 1/2, par. 2504)

Sec. 25.04. All multi-gas detectors safety lamps shall be the property of the operator and when not in use shall remain in the custody of the mine manager or other competent person designated by him, who shall be responsible for the maintenance and calibration of the detectors to ensure that they are in safe working condition clean, fill, trim, examine and deliver same, locked and in safe condition to the men when they enter the mine, or at some underground station designated by the mine manager for that purpose. He shall also receive the lamps from the men when they leave the mine or as they pass the underground lamp station at the end of their shift.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.05) (from Ch. 96 1/2, par. 2505)

Sec. 25.05. The person to whom multi-gas detectors lamps are given shall be responsible for the condition and proper use of the multi-gas detectors safety lamps while in their possession, and their return to the lamp station.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/29.01) (from Ch. 96 1/2, par. 2901)

Sec. 29.01. In all mines adequate telephone service or equivalent 2-way communication facilities, including, but not limited to, 2-way text messages, shall be provided at the top and bottom of each main shaft or slope, and from the bottoms to the working sections of the mine. Text messaging communications systems used as communication facilities must be approved by the Department. If text messaging is used, pre-programmed text messages shall be capable of providing information to the surface necessary to determine the status of the miners and the conditions in the mine, as well as providing the necessary emergency response information to the miners.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.03) (from Ch. 96 1/2, par. 3103)

Sec. 31.03. In every mine the minimum quantity of air shall not be less than 150 cubic feet per minute for each person employed, measured at the foot of the downcast and of the upcast. However, in any mine wherein explosive gas is being generated in such quantities that it can be detected by a multi-gas detector ~~an approved safety lamp~~, the minimum quantity of air shall not be less than 200 cubic feet per minute for each person employed therein. The State Mine Inspector shall have power by order in writing to require these quantities to be increased.

(Source: P.A. 89-657, eff. 8-14-96.)

(225 ILCS 705/31.04) (from Ch. 96 1/2, par. 3104)

Sec. 31.04. If the air at an underground working face in a mine, when tested at a point not less than 12 inches from the roof, face, or rib, contains more than 1.0% of methane as determined by permissible

methane detector, a ~~multi-gas detector permissible flame safety lamp~~, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such a mine so that such air shall not contain more than 1.0% of methane.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.05) (from Ch. 96 1/2, par. 3105)

Sec. 31.05. If a split of air returning from active underground working places in a mine contains more than 1.0% of methane as determined by a permissible methane detector, a ~~multi-gas detector permissible flame safety lamp~~, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such returning air shall not contain more than 1.0% of methane.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.06) (from Ch. 96 1/2, par. 3106)

Sec. 31.06. If a split of air returning from active underground working places in a mine contains as much as 1.5% of methane as determined by a permissible methane detector, a ~~multi-gas detector permissible flame safety lamp~~, air analysis, or other recognized means of accurately detecting such gas, the employees shall be withdrawn from the portion of the mine endangered thereby and all power shall be cut off from such portion of the mine until the quantity of methane in such split shall be less than 1.5%. However, in virgin territory in mines ventilated by exhaust fans, where methane is liberated in large amounts, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in Section 31.02 and if only permissible electric equipment is used in such workings and the air in the split returning from such workings does not pass over trolley or other bare power wires, and if a certified person designated by the mine operator is continually testing the gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw the employees and cut off all power from the portion of the mine endangered by such methane only when the quantity thereof in the air returning from such workings exceeds 2%, as determined by a permissible methane detector, a ~~multi-gas detector permissible flame safety lamp~~, air analysis, or other recognized means of accurately detecting such gas.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.10) (from Ch. 96 1/2, par. 3110)

Sec. 31.10. If the State Mine Inspector finds methane with a ~~multi-gas detector permissible flame safety lamp~~, permissible methane detector, air analysis, or other recognized means, in the amount of 0.25% or more, in any open workings of such mine when tested at a point not less than 12 inches from the roof, face or rib the mine shall be classified as gassy. Nothing in this Act shall preclude the reclassification of a mine that has been classified gassy if a subsequent examination, made by the State Mine Inspector in the method provided herein, shows the methane content to be less than 0.25%.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/31.30) (from Ch. 96 1/2, par. 3130)

Sec. 31.30. In gassy mines worked by the so-called "enclosed panel system" where rooms are driven off of both sides of the panel entries and ventilated by one side of the panel as the intake airway and the other side as the return, the following shall govern the method of working this type of panel: When the top end or inby end of the panel begins to squeeze, work or more as the result of extraction of coal and the area cannot be examined, men working in the said panel and rooms shall be removed until movement has abated and the presence of gas cannot be detected with a ~~multi-gas detector permissible flame safety lamp~~. However, if in such panels fire, barrier or cutoff pillars are left in the center of the panel of adequate thickness and the entries have been sealed in line with the pillars with adequate roof support on the inby side of the seals isolating the worked out area from the live works, then mining operations may be resumed. This shall not apply to panels worked with rooms on the intake side only, or panels with bleeder entry system whereby the gas released in the squeezed area will not contaminate the ventilating air current used to ventilate active workings within the panel.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/25.03 rep.) (225 ILCS 705/25.06 rep.) (225 ILCS 705/25.07 rep.)

Section 10. The Coal Mining Act is amended by repealing Sections 25.03, 25.06, and 25.07."

Under the rules, the foregoing **Senate Bill No. 2813**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

[May 29, 2016]

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

SENATE BILL NO. 3047

A bill for AN ACT concerning revenue.

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

House Amendment No. 1 to SENATE BILL NO. 3047

Passed the House, as amended, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3047

AMENDMENT NO. 1. Amend Senate Bill 3047 on page 3, by replacing lines 19 through 25 with the following:

"nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of"; and

on page 22, by replacing lines 13 through 15 with the following:

"drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and"; and

by replacing everything from line 24 on page 35 through line 4 on page 36 with the following:

"nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of"; and

on page 45, by replacing lines 2 through 4 with the following:

"nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and"; and

on page 57, by replacing lines 19 through 25 with the following:

"nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of"; and

on page 67, by replacing lines 7 and 8 with the following:

"appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine"; and

on page 81, by replacing lines 14 through 20 with the following:

"nonprescription medicines, drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, modifications to a motor vehicle for the purpose of"; and

on page 105, by replacing lines 24 through 26 with the following:

"drugs, medical appliances, products classified as Class III medical devices by the United States Food and Drug Administration that are used for cancer treatment pursuant to a prescription, as well as any accessories and components related to those devices, and insulin, urine testing materials, syringes and".

[May 29, 2016]

Under the rules, the foregoing **Senate Bill No. 3047**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 321

A bill for AN ACT concerning government.

SENATE BILL NO. 1120

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2787

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2896

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 2920

A bill for AN ACT concerning safety.

Passed the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3149

A bill for AN ACT concerning revenue.

SENATE BILL NO. 3284

A bill for AN ACT concerning local government.

Passed the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 229

A bill for AN ACT concerning local government.

Which amendment is as follows:

Senate Amendment No. 3 to HOUSE BILL NO. 229

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 1288

A bill for AN ACT concerning employment.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1288

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

[May 29, 2016]

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

HOUSE BILL 3748

A bill for AN ACT concerning State government.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 3748

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4370

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4370

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4447

A bill for AN ACT concerning civil law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4447

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4648

A bill for AN ACT concerning digital assets.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4648

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4688

A bill for AN ACT concerning the environment.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4688

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

[May 29, 2016]

Mr. Mapes, Clerk:

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

HOUSE BILL 4715

A bill for AN ACT concerning government.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4715

Senate Amendment No. 2 to HOUSE BILL NO. 4715

Concurred in by the House, May 29, 2016.

TIMOTHY D. MAPES, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 3 to Senate Bill 574
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 1582
 Motion to Concur in House Amendments 2 and 3 to Senate Bill 2701
 Motion to Concur in House Amendment 2 to Senate Bill 2861
 Motion to Concur in House Amendment 1 to Senate Bill 2882
 Motion to Concur in House Amendment 1 to Senate Bill 3047
 Motion to Concur in House Amendment 1 to Senate Bill 3071
 Motion to Concur in House Amendment 1 to Senate Bill 3095
 Motion to Concur in House Amendment 3 to Senate Bill 3162
 Motion to Concur in House Amendment 4 to Senate Bill 3163

At the hour of 5:41 o'clock p.m., Senator Lightford, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 3095**

Judiciary: **Motion to Concur in House Amendment 1 to Senate Bill 2861**
Motion to Concur in House Amendment 3 to Senate Bill 3162

Labor: **Motion to Concur in House Amendment 4 to Senate Bill 3163**

Licensed Activities and Pensions: **Motion to Concur in House Amendment 1 to Senate Bill 2820**

Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 2300**
Motion to Concur in House Amendment 2 to Senate Bill 2929
Motion to Concur in House Amendment 1 to Senate Bill 3335

State Government and Veterans Affairs:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2585
Motion to Concur in House Amendment 1 to Senate Bill 3071

[May 29, 2016]

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Human Services: **Floor Amendment No. 2 to Senate Bill 1051.**

Licensed Activities and Pensions Subcommittee on Special Issues: **Floor Amendment No. 2 to Senate Bill 463.**

State Government and Veterans Affairs: **Floor Amendment No. 1 to Senate Resolution 1840.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported the following Resolution has been assigned to the indicated Standing Committee of the Senate:

State Government and Veterans Affairs: **House Joint Resolution No. 138.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported that **House Bill No. 4232** has been re-referred from the Committee on Appropriations II to the Committee on Assignments and has been approved for consideration by the Committee on Assignments.

Under the rules, the bill was ordered to a second reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 2 to House Bill 3126

Floor Amendment No. 2 to House Bill 3136

Floor Amendment No. 3 to House Bill 5539

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendment 1 to Senate Bill 2882

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

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 4 to Senate Bill 1585; Floor Amendment No. 1 to Senate Bill 2939; Floor Amendment No. 2 to Senate Bill 2939; Floor Amendment No. 3 to Senate Bill 2939; Floor Amendment No. 1 to House Bill 3126**

LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 2 to House Bill 4232

REPORT FROM COMMITTEE ON ASSIGNMENTS

[May 29, 2016]

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 2 to House Bill 4232

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Connelly, **House Bill No. 6324** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|------------|--------------|---------------|
| Althoff | Forby | McCarter | Rezin |
| Anderson | Haine | McConchie | Rose |
| Barickman | Harmon | McConnaughay | Sandoval |
| Bennett | Hastings | McGuire | Silverstein |
| Biss | Holmes | Morrison | Stadelman |
| Bivins | Hunter | Mulroe | Steans |
| Brady | Hutchinson | Muñoz | Sullivan |
| Bush | Landek | Murphy, L. | Syverson |
| Clayborne | Lightford | Murphy, M. | Trotter |
| Collins | Link | Nybo | Van Pelt |
| Connelly | Manar | Oberweis | Weaver |
| Cullerton, T. | Martinez | Radogno | Mr. President |
| Cunningham | McCann | Raoul | |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 6325** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|------------|--------------|-------------|
| Althoff | Forby | McCarter | Rezin |
| Anderson | Haine | McConchie | Rose |
| Barickman | Harmon | McConnaughay | Sandoval |
| Bennett | Hastings | McGuire | Silverstein |
| Biss | Holmes | Morrison | Stadelman |
| Bivins | Hunter | Mulroe | Steans |
| Brady | Hutchinson | Muñoz | Sullivan |
| Bush | Landek | Murphy, L. | Syverson |
| Clayborne | Lightford | Murphy, M. | Trotter |
| Collins | Link | Nybo | Van Pelt |

| | | | |
|---------------|----------|----------|---------------|
| Connelly | Manar | Oberweis | Weaver |
| Cullerton, T. | Martinez | Radogno | Mr. President |
| Cunningham | McCann | Raoul | |

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

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 5539** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 5539

AMENDMENT NO. 1. Amend House Bill 5539 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 12-4.25 as follows:
(305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

Sec. 12-4.25. Medical assistance program; vendor participation.

(A) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, or may exclude any such person or entity from participation as such a vendor, and may deny, suspend, or recover payments, if after reasonable notice and opportunity for a hearing the Illinois Department finds:

(a) Such vendor is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its vendor agreement, which document shall be developed by the Department as a result of negotiations with each vendor category, including physicians, hospitals, long term care facilities, pharmacists, optometrists, podiatric physicians, and dentists setting forth the terms and conditions applicable to the participation of each vendor group in the program; or

(b) Such vendor has failed to keep or make available for inspection, audit or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed for providing services. This section does not require vendors to make available patient records of patients for whom services are not reimbursed under this Code; or

(c) Such vendor has failed to furnish any information requested by the Department regarding payments for providing goods or services; or

(d) Such vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or

(e) Such vendor has furnished goods or services to a recipient which are (1) in excess of need, (2) harmful, or (3) of grossly inferior quality, all of such determinations to be based upon competent medical judgment and evaluations; or

(f) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) was previously terminated, suspended, or excluded from participation in the Illinois medical assistance program, or was terminated, suspended, or excluded from participation in another state or federal medical assistance or health care program; or

(2) was a person with management responsibility for a vendor previously terminated, suspended, or excluded from participation in the Illinois medical assistance program, or terminated, suspended, or excluded from participation in another state or federal medical assistance or health care program during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of

the shares of stock or other evidences of ownership in a corporate or limited liability company vendor previously terminated, suspended, or excluded from participation in the Illinois medical assistance program, or terminated, suspended, or excluded from participation in a state or federal medical assistance or health care program during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion; or

(4) was an owner of a sole proprietorship or partner of a partnership previously terminated, suspended, or excluded from participation in the Illinois medical assistance program, or terminated, suspended, or excluded from participation in a state or federal medical assistance or health care program during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion; or

(f-1) Such vendor has a delinquent debt owed to the Illinois Department; or

(g) The vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor; an owner of a sole proprietorship which is a vendor; or a partner in a partnership which is a vendor, either:

(1) has engaged in practices prohibited by applicable federal or State law or regulation; or

(2) was a person with management responsibility for a vendor at the time that such vendor engaged in practices prohibited by applicable federal or State law or regulation; or

(3) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation; or

(4) was an owner of a sole proprietorship or partner of a partnership which was a vendor at the time such vendor engaged in practices prohibited by applicable federal or State law or regulation; or

(h) The direct or indirect ownership of the vendor (including the ownership of a vendor that is a sole proprietorship, a partner's interest in a vendor that is a partnership, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor) has been transferred by an individual who is terminated, suspended, or excluded or barred from participating as a vendor to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(A-5) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, or may exclude any such person or entity from participation as such a vendor, if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that the vendor; a person with management responsibility for a vendor; an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor; an owner of a sole proprietorship that is a vendor; or a partner in a partnership that is a vendor has been convicted of an offense based on fraud or willful misrepresentation related to any of the following:

(1) The medical assistance program under Article V of this Code.

(2) A medical assistance or health care program in another state.

(3) The Medicare program under Title XVIII of the Social Security Act.

(4) The provision of health care services.

(5) A violation of this Code, as provided in Article VIIIA, or another state or federal medical assistance program or health care program.

(A-10) The Illinois Department may deny, suspend, or terminate the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, or may exclude any such person or entity from participation as such a vendor, if, after reasonable notice and opportunity for a hearing, the Illinois Department finds that (i) the vendor, (ii) a person with management responsibility for a vendor, (iii) an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, (iv) an owner of a sole proprietorship that is a vendor, or (v) a partner in a partnership that is a vendor has been convicted of an offense related to any of the following:

(1) Murder.

(2) A Class X felony under the Criminal Code of 1961 or the Criminal Code of 2012.

(3) Sexual misconduct that may subject recipients to an undue risk of harm.

(4) A criminal offense that may subject recipients to an undue risk of harm.

(5) A crime of fraud or dishonesty.

(6) A crime involving a controlled substance.

(7) A misdemeanor relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct related to a health care program.

(A-15) The Illinois Department may deny the eligibility of any person, firm, corporation, association, agency, institution, or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V if, after reasonable notice and opportunity for a hearing, the Illinois Department finds:

(1) The applicant or any person with management responsibility for the applicant; an officer or member of the board of directors of an applicant; an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant; an owner of a sole proprietorship applicant; a partner in a partnership applicant; or a technical or other advisor to an applicant has a debt owed to the Illinois Department, and no payment arrangements acceptable to the Illinois Department have been made by the applicant.

(2) The applicant or any person with management responsibility for the applicant; an officer or member of the board of directors of an applicant; an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor applicant; an owner of a sole proprietorship applicant; a partner in a partnership vendor applicant; or a technical or other advisor to an applicant was (i) a person with management responsibility, (ii) an officer or member of the board of directors of an applicant, (iii) an entity owning (directly or indirectly) 5% or more of the shares of stock or other evidences of ownership in a corporate vendor, (iv) an owner of a sole proprietorship, (v) a partner in a partnership vendor, (vi) a technical or other advisor to a vendor, during a period of time where the conduct of that vendor resulted in a debt owed to the Illinois Department, and no payment arrangements acceptable to the Illinois Department have been made by that vendor.

(3) There is a credible allegation of the use, transfer, or lease of assets of any kind to an applicant from a current or prior vendor who has a debt owed to the Illinois Department, no payment arrangements acceptable to the Illinois Department have been made by that vendor or the vendor's alternate payee, and the applicant knows or should have known of such debt.

(4) There is a credible allegation of a transfer of management responsibilities, or direct or indirect ownership, to an applicant from a current or prior vendor who has a debt owed to the Illinois Department, and no payment arrangements acceptable to the Illinois Department have been made by that vendor or the vendor's alternate payee, and the applicant knows or should have known of such debt.

(5) There is a credible allegation of the use, transfer, or lease of assets of any kind to an applicant who is a spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, relative by marriage, nephew, cousin, or relative of a current or prior vendor who has a debt owed to the Illinois Department and no payment arrangements acceptable to the Illinois Department have been made.

(6) There is a credible allegation that the applicant's previous affiliations with a provider of medical services that has an uncollected debt, a provider that has been or is subject to a payment suspension under a federal health care program, or a provider that has been previously excluded from participation in the medical assistance program, poses a risk of fraud, waste, or abuse to the Illinois Department.

As used in this subsection, "credible allegation" is defined to include an allegation from any source, including, but not limited to, fraud hotline complaints, claims data mining, patterns identified through provider audits, civil actions filed under the Illinois False Claims Act, and law enforcement investigations. An allegation is considered to be credible when it has indicia of reliability.

(B) The Illinois Department shall deny, suspend or terminate the eligibility of any person, firm, corporation, association, agency, institution or other legal entity to participate as a vendor of goods or services to recipients under the medical assistance program under Article V, or may exclude any such person or entity from participation as such a vendor:

(1) immediately, if such vendor is not properly licensed, certified, or authorized;

(2) within 30 days of the date when such vendor's professional license, certification or other authorization has been refused renewal, restricted, revoked, suspended, or otherwise terminated; or

(3) if such vendor has been convicted of a violation of this Code, as provided in Article VIII.A.

(C) Upon termination, suspension, or exclusion of a vendor of goods or services from participation in the medical assistance program authorized by this Article, a person with management responsibility for

such vendor during the time of any conduct which served as the basis for that vendor's termination, suspension, or exclusion is barred from participation in the medical assistance program.

Upon termination, suspension, or exclusion of a corporate vendor, the officers and persons owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in the vendor during the time of any conduct which served as the basis for that vendor's termination, suspension, or exclusion are barred from participation in the medical assistance program. A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a terminated, suspended, or excluded vendor may not transfer his or her ownership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Upon termination, suspension, or exclusion of a sole proprietorship or partnership, the owner or partners during the time of any conduct which served as the basis for that vendor's termination, suspension, or exclusion are barred from participation in the medical assistance program. The owner of a terminated, suspended, or excluded vendor that is a sole proprietorship, and a partner in a terminated, suspended, or excluded vendor that is a partnership, may not transfer his or her ownership or partnership interest in that vendor to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

A person who owns, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor who owes a debt to the Department, if that vendor has not made payment arrangements acceptable to the Department, shall not transfer his or her ownership interest in that vendor, or vendor assets of any kind, to his or her spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

Rules adopted by the Illinois Department to implement these provisions shall specifically include a definition of the term "management responsibility" as used in this Section. Such definition shall include, but not be limited to, typical job titles, and duties and descriptions which will be considered as within the definition of individuals with management responsibility for a provider.

A vendor or a prior vendor who has been terminated, excluded, or suspended from the medical assistance program, or from another state or federal medical assistance or health care program, and any individual currently or previously barred from the medical assistance program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate or limited liability company vendor during the time of any conduct which served as the basis for that vendor's termination, suspension, or exclusion, may be required to post a surety bond as part of a condition of enrollment or participation in the medical assistance program. The Illinois Department shall establish, by rule, the criteria and requirements for determining when a surety bond must be posted and the value of the bond.

A vendor or a prior vendor who has a debt owed to the Illinois Department and any individual currently or previously barred from the medical assistance program, or from another state or federal medical assistance or health care program, as a result of being an officer or a person owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in that corporate or limited liability company vendor during the time of any conduct which served as the basis for the debt, may be required to post a surety bond as part of a condition of enrollment or participation in the medical assistance program. The Illinois Department shall establish, by rule, the criteria and requirements for determining when a surety bond must be posted and the value of the bond.

(D) If a vendor has been suspended from the medical assistance program under Article V of the Code, the Director may require that such vendor correct any deficiencies which served as the basis for the suspension. The Director shall specify in the suspension order a specific period of time, which shall not exceed one year from the date of the order, during which a suspended vendor shall not be eligible to participate. At the conclusion of the period of suspension the Director shall reinstate such vendor, unless he finds that such vendor has not corrected deficiencies upon which the suspension was based.

If a vendor has been terminated, suspended, or excluded from the medical assistance program under Article V, such vendor shall be barred from participation for at least one year, except that if a vendor has been terminated, suspended, or excluded based on a conviction of a violation of Article VIII A or a conviction of a felony based on fraud or a willful misrepresentation related to (i) the medical assistance program under Article V, (ii) a federal or another state's medical assistance or health care program, or (iii) the provision of health care services, then the vendor shall be barred from participation for 5 years or for the length of the vendor's sentence for that conviction, whichever is longer. At the end of one year a vendor who has been terminated, suspended, or excluded may apply for reinstatement to the program. Upon proper application to be reinstated such vendor may be deemed eligible by the Director providing that such vendor meets the requirements for eligibility under this Code. If such vendor is deemed not eligible for

reinstatement, he shall be barred from again applying for reinstatement for one year from the date his application for reinstatement is denied.

A vendor whose termination, suspension, or exclusion from participation in the Illinois medical assistance program under Article V was based solely on an action by a governmental entity other than the Illinois Department may, upon reinstatement by that governmental entity or upon reversal of the termination, suspension, or exclusion, apply for rescission of the termination, suspension, or exclusion from participation in the Illinois medical assistance program. Upon proper application for rescission, the vendor may be deemed eligible by the Director if the vendor meets the requirements for eligibility under this Code.

If a vendor has been terminated, suspended, or excluded and reinstated to the medical assistance program under Article V and the vendor is terminated, suspended, or excluded a second or subsequent time from the medical assistance program, the vendor shall be barred from participation for at least 2 years, except that if a vendor has been terminated, suspended, or excluded a second time based on a conviction of a violation of Article VIII A or a conviction of a felony based on fraud or a willful misrepresentation related to (i) the medical assistance program under Article V, (ii) a federal or another state's medical assistance or health care program, or (iii) the provision of health care services, then the vendor shall be barred from participation for life. At the end of 2 years, a vendor who has been terminated, suspended, or excluded may apply for reinstatement to the program. Upon application to be reinstated, the vendor may be deemed eligible if the vendor meets the requirements for eligibility under this Code. If the vendor is deemed not eligible for reinstatement, the vendor shall be barred from again applying for reinstatement for 2 years from the date the vendor's application for reinstatement is denied.

(E) The Illinois Department may recover money improperly or erroneously paid, or overpayments, either by setoff, crediting against future billings or by requiring direct repayment to the Illinois Department. The Illinois Department may suspend or deny payment, in whole or in part, if such payment would be improper or erroneous or would otherwise result in overpayment.

(1) Payments may be suspended, denied, or recovered from a vendor or alternate payee:

(i) for services rendered in violation of the Illinois Department's provider notices, statutes, rules, and regulations; (ii) for services rendered in violation of the terms and conditions prescribed by the Illinois Department in its vendor agreement; (iii) for any vendor who fails to grant the Office of Inspector General timely access to full and complete records, including, but not limited to, records relating to recipients under the medical assistance program for the most recent 6 years, in accordance with Section 140.28 of Title 89 of the Illinois Administrative Code, and other information for the purpose of audits, investigations, or other program integrity functions, after reasonable written request by the Inspector General; this subsection (E) does not require vendors to make available the medical records of patients for whom services are not reimbursed under this Code or to provide access to medical records more than 6 years old; (iv) when the vendor has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the medical assistance program; or (v) when the vendor previously rendered services while terminated, suspended, or excluded from participation in the medical assistance program or while terminated or excluded from participation in another state or federal medical assistance or health care program. Notwithstanding any other provision to the contrary, the Department shall not seek recovery of overpayments, adjustments, or other amounts due that are over 6 years old unless such overpayments, adjustments, or other amounts due were made pursuant to a vendor's criminal activity.

(2) Notwithstanding any other provision of law, if a vendor has the same taxpayer identification number (assigned under Section 6109 of the Internal Revenue Code of 1986) as is assigned to a vendor with past-due financial obligations to the Illinois Department, the Illinois Department may make any necessary adjustments to payments to that vendor in order to satisfy any past-due obligations, regardless of whether the vendor is assigned a different billing number under the medical assistance program.

(E-5) Civil monetary penalties.

(1) As used in this subsection (E-5):

(a) "Knowingly" means that a person, with respect to information: (i) has actual knowledge of the information; (ii) acts in deliberate ignorance of the truth or falsity of the information; or (iii) acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

(b) "Overpayment" means any funds that a person receives or retains from the medical assistance program to which the person, after applicable reconciliation, is not entitled under this Code.

(c) "Remuneration" means the offer or transfer of items or services for free or for

other than fair market value by a person; however, remuneration does not include items or services of a nominal value of no more than \$10 per item or service, or \$50 in the aggregate on an annual basis, or any other offer or transfer of items or services as determined by the Department.

(d) "Should know" means that a person, with respect to information: (i) acts in deliberate ignorance of the truth or falsity of the information; or (ii) acts in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

(2) Any person (including a vendor, provider, organization, agency, or other entity, or an alternate payee thereof, but excluding a recipient) who:

(a) knowingly presents or causes to be presented to an officer, employee, or agent of the State, a claim that the Department determines:

(i) is for a medical or other item or service that the person knows or should know was not provided as claimed, including any person who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that the person knows or should know will result in a greater payment to the person than the code the person knows or should know is applicable to the item or service actually provided;

(ii) is for a medical or other item or service and the person knows or should know that the claim is false or fraudulent;

(iii) is presented for a vendor physician's service, or an item or service incident to a vendor physician's service, by a person who knows or should know that the individual who furnished, or supervised the furnishing of, the service:

(AA) was not licensed as a physician;

(BB) was licensed as a physician but such license had been obtained through a misrepresentation of material fact (including cheating on an examination required for licensing); or

(CC) represented to the patient at the time the service was furnished that the physician was certified in a medical specialty by a medical specialty board, when the individual was not so certified;

(iv) is for a medical or other item or service furnished during a period in which the person was excluded from the medical assistance program or a federal or state health care program under which the claim was made pursuant to applicable law; or

(v) is for a pattern of medical or other items or services that a person knows or should know are not medically necessary;

(b) knowingly presents or causes to be presented to any person a request for payment which is in violation of the conditions for receipt of vendor payments under the medical assistance program under Section 11-13 of this Code;

(c) knowingly gives or causes to be given to any person, with respect to medical assistance program coverage of inpatient hospital services, information that he or she knows or should know is false or misleading, and that could reasonably be expected to influence the decision when to discharge such person or other individual from the hospital;

(d) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in the medical assistance program or a federal or state health care program and who, at the time of a violation of this subsection (E-5):

(i) retains a direct or indirect ownership or control interest in an entity that is participating in the medical assistance program or a federal or state health care program, and who knows or should know of the action constituting the basis for the exclusion; or

(ii) is an officer or managing employee of such an entity;

(e) offers or transfers remuneration to any individual eligible for benefits under the medical assistance program that such person knows or should know is likely to influence such individual to order or receive from a particular vendor, provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under the medical assistance program;

(f) arranges or contracts (by employment or otherwise) with an individual or entity that the person knows or should know is excluded from participation in the medical assistance program or a federal or state health care program, for the provision of items or services for which payment may be made under such a program;

(g) commits an act described in subsection (b) or (c) of Section 8A-3;

(h) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim for payment for items and services furnished under the medical assistance program;

(i) fails to grant timely access, upon reasonable request (as defined by the

Department by rule), to the Inspector General, for the purpose of audits, investigations, evaluations, or other statutory functions of the Inspector General of the Department;

(j) orders or prescribes a medical or other item or service during a period in which the person was excluded from the medical assistance program or a federal or state health care program, in the case where the person knows or should know that a claim for such medical or other item or service will be made under such a program;

(k) knowingly makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, bid, or contract to participate or enroll as a vendor or provider of services or a supplier under the medical assistance program;

(l) knows of an overpayment and does not report and return the overpayment to the Department in accordance with paragraph (6);

shall be subject, in addition to any other penalties that may be prescribed by law, to a civil money penalty of not more than \$10,000 for each item or service (or, in cases under subparagraph (c), \$15,000 for each individual with respect to whom false or misleading information was given; in cases under subparagraph (d), \$10,000 for each day the prohibited relationship occurs; in cases under subparagraph (g), \$50,000 for each such act; in cases under subparagraph (h), \$50,000 for each false record or statement; in cases under subparagraph (i), \$15,000 for each day of the failure described in such subparagraph; or in cases under subparagraph (k), \$50,000 for each false statement, omission, or misrepresentation of a material fact). In addition, such a person shall be subject to an assessment of not more than 3 times the amount claimed for each such item or service in lieu of damages sustained by the State because of such claim (or, in cases under subparagraph (g), damages of not more than 3 times the total amount of remuneration offered, paid, solicited, or received, without regard to whether a portion of such remuneration was offered, paid, solicited, or received for a lawful purpose; or in cases under subparagraph (k), an assessment of not more than 3 times the total amount claimed for each item or service for which payment was made based upon the application, bid, or contract containing the false statement, omission, or misrepresentation of a material fact).

(3) In addition, the Director or his or her designee may make a determination in the same proceeding to exclude, terminate, suspend, or bar the person from participation in the medical assistance program.

(4) The Illinois Department may seek the civil monetary penalties and exclusion, termination, suspension, or barment identified in this subsection (E-5). Prior to the imposition of any penalties or sanctions, the affected person shall be afforded an opportunity for a hearing after reasonable notice. The Department shall establish hearing procedures by rule.

(5) Any final order, decision, or other determination made, issued, or executed by the Director under the provisions of this subsection (E-5), whereby a person is aggrieved, shall be subject to review in accordance with the provisions of the Administrative Review Law, and the rules adopted pursuant thereto, which shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Director.

(6)(a) If a person has received an overpayment, the person shall:

- (i) report and return the overpayment to the Department at the correct address; and
- (ii) notify the Department in writing of the reason for the overpayment.

(b) An overpayment must be reported and returned under subparagraph (a) by the later of:

- (i) the date which is 60 days after the date on which the overpayment was identified; or
- (ii) the date any corresponding cost report is due, if applicable.

(E-10) A vendor who disputes an overpayment identified as part of a Department audit shall utilize the Department's self-referral disclosure protocol as set forth under this Code to identify, investigate, and return to the Department any undisputed audit overpayment amount. Unless the disputed overpayment amount is subject to a fraud payment suspension, or involves a termination sanction, the Department shall defer the recovery of the disputed overpayment amount up to one year after the date of the Department's final audit determination, or earlier, or as required by State or federal law. If the administrative hearing extends beyond one year, and such delay was not caused by the request of the vendor, then the Department shall not recover the disputed overpayment amount until the date of the final administrative decision. If a final administrative decision establishes that the disputed overpayment amount is owed to the Department, then the amount shall be immediately due to the Department. The Department shall be entitled to recover interest from the vendor on the overpayment amount from the date of the overpayment through the date the vendor returns the overpayment to the Department at a rate not to exceed the Wall Street Journal Prime Rate, as published from time to time, but not to exceed 5%. Any interest billed by the Department shall be due immediately upon receipt of the Department's billing statement.

(F) The Illinois Department may withhold payments to any vendor or alternate payee prior to or during the pendency of any audit or proceeding under this Section, and through the pendency of any administrative appeal or administrative review by any court proceeding. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be withheld under this Section. Payments may be denied for bills submitted with service dates occurring during the pendency of a proceeding, after a final decision has been rendered, or after the conclusion of any administrative appeal, where the final administrative decision is to terminate, exclude, or suspend eligibility to participate in the medical assistance program. The Illinois Department shall state by rule with as much specificity as practicable the conditions under which payments will not be denied for such bills. The Illinois Department shall state by rule a process and criteria by which a vendor or alternate payee may request full or partial release of payments withheld under this subsection. The Department must complete a proceeding under this Section in a timely manner.

Notwithstanding recovery allowed under subsection (E) or this subsection (F), the Illinois Department may withhold payments to any vendor or alternate payee who is not properly licensed, certified, or in compliance with State or federal agency regulations. Payments may be denied for bills submitted with service dates occurring during the period of time that a vendor is not properly licensed, certified, or in compliance with State or federal regulations. Facilities licensed under the Nursing Home Care Act shall have payments denied or withheld pursuant to subsection (I) of this Section.

(F-5) The Illinois Department may temporarily withhold payments to a vendor or alternate payee if any of the following individuals have been indicted or otherwise charged under a law of the United States or this or any other state with an offense that is based on alleged fraud or willful misrepresentation on the part of the individual related to (i) the medical assistance program under Article V of this Code, (ii) a federal or another state's medical assistance or health care program, or (iii) the provision of health care services:

- (1) If the vendor or alternate payee is a corporation: an officer of the corporation or an individual who owns, either directly or indirectly, 5% or more of the shares of stock or other evidence of ownership of the corporation.
- (2) If the vendor is a sole proprietorship: the owner of the sole proprietorship.
- (3) If the vendor or alternate payee is a partnership: a partner in the partnership.
- (4) If the vendor or alternate payee is any other business entity authorized by law to transact business in this State: an officer of the entity or an individual who owns, either directly or indirectly, 5% or more of the evidences of ownership of the entity.

If the Illinois Department withholds payments to a vendor or alternate payee under this subsection, the Department shall not release those payments to the vendor or alternate payee while any criminal proceeding related to the indictment or charge is pending unless the Department determines that there is good cause to release the payments before completion of the proceeding. If the indictment or charge results in the individual's conviction, the Illinois Department shall retain all withheld payments, which shall be considered forfeited to the Department. If the indictment or charge does not result in the individual's conviction, the Illinois Department shall release to the vendor or alternate payee all withheld payments.

(F-10) If the Illinois Department establishes that the vendor or alternate payee owes a debt to the Illinois Department, and the vendor or alternate payee subsequently fails to pay or make satisfactory payment arrangements with the Illinois Department for the debt owed, the Illinois Department may seek all remedies available under the law of this State to recover the debt, including, but not limited to, wage garnishment or the filing of claims or liens against the vendor or alternate payee.

(F-15) Enforcement of judgment.

(1) Any fine, recovery amount, other sanction, or costs imposed, or part of any fine, recovery amount, other sanction, or cost imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law is a debt due and owing the State and may be collected using all remedies available under the law.

(2) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final administrative decision, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the Director may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(3) In any case in which any person or entity has failed to comply with a judgment ordering or imposing any fine or other sanction, any expenses incurred by the Illinois Department to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or the Director, shall be a debt due and owing the State and may be collected in accordance with applicable law. Prior to any expenses being fixed by a final administrative decision pursuant to this subsection (F-

15), the Illinois Department shall provide notice to the individual or entity that states that the individual or entity shall appear at a hearing before the administrative hearing officer to determine whether the individual or entity has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than 7 days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

(4) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the individual or entity in the amount of any debt due and owing the State under this Section. The lien may be enforced in the same manner as a judgment of a court of competent jurisdiction. A lien shall attach to all property and assets of such person, firm, corporation, association, agency, institution, or other legal entity until the judgment is satisfied.

(5) The Director may set aside any judgment entered by default and set a new hearing date upon a petition filed at any time (i) if the petitioner's failure to appear at the hearing was for good cause, or (ii) if the petitioner established that the Department did not provide proper service of process. If any judgment is set aside pursuant to this paragraph (5), the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Illinois Department as a result of the vacated default judgment.

(G) The provisions of the Administrative Review Law, as now or hereafter amended, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Illinois Department under this Section. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(G-5) Vendors who pose a risk of fraud, waste, abuse, or harm.

(1) Notwithstanding any other provision in this Section, the Department may terminate, suspend, or exclude vendors who pose a risk of fraud, waste, abuse, or harm from participation in the medical assistance program prior to an evidentiary hearing but after reasonable notice and opportunity to respond as established by the Department by rule.

(2) Vendors who pose a risk of fraud, waste, abuse, or harm shall submit to a fingerprint-based criminal background check on current and future information available in the State system and current information available through the Federal Bureau of Investigation's system by submitting all necessary fees and information in the form and manner prescribed by the Department of State Police. The following individuals shall be subject to the check:

(A) In the case of a vendor that is a corporation, every shareholder who owns, directly or indirectly, 5% or more of the outstanding shares of the corporation.

(B) In the case of a vendor that is a partnership, every partner.

(C) In the case of a vendor that is a sole proprietorship, the sole proprietor.

(D) Each officer or manager of the vendor.

Each such vendor shall be responsible for payment of the cost of the criminal background check.

(3) Vendors who pose a risk of fraud, waste, abuse, or harm may be required to post a surety bond. The Department shall establish, by rule, the criteria and requirements for determining when a surety bond must be posted and the value of the bond.

(4) The Department, or its agents, may refuse to accept requests for authorization from specific vendors who pose a risk of fraud, waste, abuse, or harm, including prior-approval and post-approval requests, if:

(A) the Department has initiated a notice of termination, suspension, or exclusion of the vendor from participation in the medical assistance program; or

(B) the Department has issued notification of its withholding of payments pursuant to subsection (F-5) of this Section; or

(C) the Department has issued a notification of its withholding of payments due to reliable evidence of fraud or willful misrepresentation pending investigation.

(5) As used in this subsection, the following terms are defined as follows:

(A) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or some other person. It includes any act that constitutes fraud under applicable federal or State law.

(B) "Abuse" means provider practices that are inconsistent with sound fiscal, business, or medical practices and that result in an unnecessary cost to the medical assistance program or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes recipient practices that result in unnecessary

cost to the medical assistance program. Abuse does not include diagnostic or therapeutic measures conducted primarily as a safeguard against possible vendor liability.

(C) "Waste" means the unintentional misuse of medical assistance resources, resulting in unnecessary cost to the medical assistance program. Waste does not include diagnostic or therapeutic measures conducted primarily as a safeguard against possible vendor liability.

(D) "Harm" means physical, mental, or monetary damage to recipients or to the medical assistance program.

(G-6) The Illinois Department, upon making a determination based upon information in the possession of the Illinois Department that continuation of participation in the medical assistance program by a vendor would constitute an immediate danger to the public, may immediately suspend such vendor's participation in the medical assistance program without a hearing. In instances in which the Illinois Department immediately suspends the medical assistance program participation of a vendor under this Section, a hearing upon the vendor's participation must be convened by the Illinois Department within 15 days after such suspension and completed without appreciable delay. Such hearing shall be held to determine whether to recommend to the Director that the vendor's medical assistance program participation be denied, terminated, suspended, placed on provisional status, or reinstated. In the hearing, any evidence relevant to the vendor constituting an immediate danger to the public may be introduced against such vendor; provided, however, that the vendor, or his or her counsel, shall have the opportunity to discredit, impeach, and submit evidence rebutting such evidence.

(H) Nothing contained in this Code shall in any way limit or otherwise impair the authority or power of any State agency responsible for licensing of vendors.

(I) Based on a finding of noncompliance on the part of a nursing home with any requirement for certification under Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department may impose one or more of the following remedies after notice to the facility:

- (1) Termination of the provider agreement.
- (2) Temporary management.
- (3) Denial of payment for new admissions.
- (4) Civil money penalties.
- (5) Closure of the facility in emergency situations or transfer of residents, or both.
- (6) State monitoring.
- (7) Denial of all payments when the U.S. Department of Health and Human Services has imposed this sanction.

The Illinois Department shall by rule establish criteria governing continued payments to a nursing facility subsequent to termination of the facility's provider agreement if, in the sole discretion of the Illinois Department, circumstances affecting the health, safety, and welfare of the facility's residents require those continued payments. The Illinois Department may condition those continued payments on the appointment of temporary management, sale of the facility to new owners or operators, or other arrangements that the Illinois Department determines best serve the needs of the facility's residents.

Except in the case of a facility that has a right to a hearing on the finding of noncompliance before an agency of the federal government, a facility may request a hearing before a State agency on any finding of noncompliance within 60 days after the notice of the intent to impose a remedy. Except in the case of civil money penalties, a request for a hearing shall not delay imposition of the penalty. The choice of remedies is not appealable at a hearing. The level of noncompliance may be challenged only in the case of a civil money penalty. The Illinois Department shall provide by rule for the State agency that will conduct the evidentiary hearings.

The Illinois Department may collect interest on unpaid civil money penalties.

The Illinois Department may adopt all rules necessary to implement this subsection (I).

(J) The Illinois Department, by rule, may permit individual practitioners to designate that Department payments that may be due the practitioner be made to an alternate payee or alternate payees.

(a) Such alternate payee or alternate payees shall be required to register as an alternate payee in the Medical Assistance Program with the Illinois Department.

(b) If a practitioner designates an alternate payee, the alternate payee and practitioner shall be jointly and severally liable to the Department for payments made to the alternate payee. Pursuant to subsection (E) of this Section, any Department action to suspend or deny payment or recover money or overpayments from an alternate payee shall be subject to an administrative hearing.

(c) Registration as an alternate payee or alternate payees in the Illinois Medical

Assistance Program shall be conditional. At any time, the Illinois Department may deny or cancel any alternate payee's registration in the Illinois Medical Assistance Program without cause. Any such denial or cancellation is not subject to an administrative hearing.

(d) The Illinois Department may seek a revocation of any alternate payee, and all owners, officers, and individuals with management responsibility for such alternate payee shall be permanently prohibited from participating as an owner, an officer, or an individual with management responsibility with an alternate payee in the Illinois Medical Assistance Program, if after reasonable notice and opportunity for a hearing the Illinois Department finds that:

(1) the alternate payee is not complying with the Department's policy or rules and regulations, or with the terms and conditions prescribed by the Illinois Department in its alternate payee registration agreement; or

(2) the alternate payee has failed to keep or make available for inspection, audit, or copying, after receiving a written request from the Illinois Department, such records regarding payments claimed as an alternate payee; or

(3) the alternate payee has failed to furnish any information requested by the Illinois Department regarding payments claimed as an alternate payee; or

(4) the alternate payee has knowingly made, or caused to be made, any false statement or representation of a material fact in connection with the administration of the Illinois Medical Assistance Program; or

(5) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:

(a) was previously terminated, suspended, or excluded from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated, suspended, or excluded from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code; or

(b) was a person with management responsibility for a vendor previously terminated, suspended, or excluded from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated, suspended, or excluded from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion or alternate payee's revocation; or

(c) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor previously terminated, suspended, or excluded from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated, suspended, or excluded from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion; or

(d) was an owner of a sole proprietorship or partner in a partnership previously terminated, suspended, or excluded from participation as a vendor in the Illinois Medical Assistance Program, or was previously revoked as an alternate payee in the Illinois Medical Assistance Program, or was terminated, suspended, or excluded from participation as a vendor in a medical assistance program in another state that is of the same kind as the program of medical assistance provided under Article V of this Code, during the time of conduct which was the basis for that vendor's termination, suspension, or exclusion or alternate payee's revocation; or

(6) the alternate payee, a person with management responsibility for an alternate payee, an officer or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate alternate payee, or a partner in a partnership which is an alternate payee:

(a) has engaged in conduct prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(b) was a person with management responsibility for a vendor or alternate payee at the time that the vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(c) was an officer, or person owning, either directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a vendor or alternate payee at the time such vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(d) was an owner of a sole proprietorship or partner in a partnership which was a vendor or alternate payee at the time such vendor or alternate payee engaged in practices prohibited by applicable federal or State law or regulation relating to the Illinois Medical Assistance Program; or

(7) the direct or indirect ownership of the vendor or alternate payee (including the ownership of a vendor or alternate payee that is a partner's interest in a vendor or alternate payee, or ownership of 5% or more of the shares of stock or other evidences of ownership in a corporate vendor or alternate payee) has been transferred by an individual who is terminated, suspended, or excluded or barred from participating as a vendor or is prohibited or revoked as an alternate payee to the individual's spouse, child, brother, sister, parent, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, or relative by marriage.

(K) The Illinois Department of Healthcare and Family Services may withhold payments, in whole or in part, to a provider or alternate payee where there is credible evidence, received from State or federal law enforcement or federal oversight agencies or from the results of a preliminary Department audit, that the circumstances giving rise to the need for a withholding of payments may involve fraud or willful misrepresentation under the Illinois Medical Assistance program. The Department shall by rule define what constitutes "credible" evidence for purposes of this subsection. The Department may withhold payments without first notifying the provider or alternate payee of its intention to withhold such payments. A provider or alternate payee may request a reconsideration of payment withholding, and the Department must grant such a request. The Department shall state by rule a process and criteria by which a provider or alternate payee may request full or partial release of payments withheld under this subsection. This request may be made at any time after the Department first withholds such payments.

(a) The Illinois Department must send notice of its withholding of program payments within 5 days of taking such action. The notice must set forth the general allegations as to the nature of the withholding action, but need not disclose any specific information concerning its ongoing investigation. The notice must do all of the following:

(1) State that payments are being withheld in accordance with this subsection.

(2) State that the withholding is for a temporary period, as stated in paragraph (b) of this subsection, and cite the circumstances under which withholding will be terminated.

(3) Specify, when appropriate, which type or types of Medicaid claims withholding is effective.

(4) Inform the provider or alternate payee of the right to submit written evidence for reconsideration of the withholding by the Illinois Department.

(5) Inform the provider or alternate payee that a written request may be made to the Illinois Department for full or partial release of withheld payments and that such requests may be made at any time after the Department first withholds such payments.

(b) All withholding-of-payment actions under this subsection shall be temporary and shall not continue after any of the following:

(1) The Illinois Department or the prosecuting authorities determine that there is insufficient evidence of fraud or willful misrepresentation by the provider or alternate payee.

(2) Legal proceedings related to the provider's or alternate payee's alleged fraud, willful misrepresentation, violations of this Act, or violations of the Illinois Department's administrative rules are completed.

(3) The withholding of payments for a period of 3 years.

(c) The Illinois Department may adopt all rules necessary to implement this subsection (K).

(K-5) The Illinois Department may withhold payments, in whole or in part, to a provider or alternate payee upon initiation of an audit, quality of care review, investigation when there is a credible allegation of fraud, or the provider or alternate payee demonstrating a clear failure to cooperate with the Illinois Department such that the circumstances give rise to the need for a withholding of payments. As used in this subsection, "credible allegation" is defined to include an allegation from any source, including, but not limited to, fraud hotline complaints, claims data mining, patterns identified through provider audits, civil actions filed under the Illinois False Claims Act, and law enforcement investigations. An allegation

is considered to be credible when it has indicia of reliability. The Illinois Department may withhold payments without first notifying the provider or alternate payee of its intention to withhold such payments. A provider or alternate payee may request a hearing or a reconsideration of payment withholding, and the Illinois Department must grant such a request. The Illinois Department shall state by rule a process and criteria by which a provider or alternate payee may request a hearing or a reconsideration for the full or partial release of payments withheld under this subsection. This request may be made at any time after the Illinois Department first withholds such payments.

(a) The Illinois Department must send notice of its withholding of program payments within 5 days of taking such action. The notice must set forth the general allegations as to the nature of the withholding action but need not disclose any specific information concerning its ongoing investigation. The notice must do all of the following:

(1) State that payments are being withheld in accordance with this subsection.
 (2) State that the withholding is for a temporary period, as stated in paragraph (b) of this subsection, and cite the circumstances under which withholding will be terminated.

(3) Specify, when appropriate, which type or types of claims are withheld.

(4) Inform the provider or alternate payee of the right to request a hearing or a reconsideration of the withholding by the Illinois Department, including the ability to submit written evidence.

(5) Inform the provider or alternate payee that a written request may be made to the Illinois Department for a hearing or a reconsideration for the full or partial release of withheld payments and that such requests may be made at any time after the Illinois Department first withholds such payments.

(b) All withholding of payment actions under this subsection shall be temporary and shall not continue after any of the following:

(1) The Illinois Department determines that there is insufficient evidence of fraud, or the provider or alternate payee demonstrates clear cooperation with the Illinois Department, as determined by the Illinois Department, such that the circumstances do not give rise to the need for withholding of payments; or

(2) The withholding of payments has lasted for a period in excess of 3 years.

(c) The Illinois Department may adopt all rules necessary to implement this subsection (K-5).

(L) The Illinois Department shall establish a protocol to enable health care providers to disclose an actual or potential violation of this Section pursuant to a self-referral disclosure protocol, referred to in this subsection as "the protocol". The protocol shall include direction for health care providers on a specific person, official, or office to whom such disclosures shall be made. The Illinois Department shall post information on the protocol on the Illinois Department's public website. The Illinois Department may adopt rules necessary to implement this subsection (L). In addition to other factors that the Illinois Department finds appropriate, the Illinois Department may consider a health care provider's timely use or failure to use the protocol in considering the provider's failure to comply with this Code.

(M) Notwithstanding any other provision of this Code, the Illinois Department, at its discretion, may exempt an entity licensed under the Nursing Home Care Act, the ID/DD Community Care Act, or the MC/DD Act from the provisions of subsections (A-15), (B), and (C) of this Section if the licensed entity is in receivership.

(Source: P.A. 98-214, eff. 8-9-13; 98-550, eff. 8-27-13; 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Judiciary.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 5539

AMENDMENT NO. 3. Amend House Bill 5539, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, by replacing lines 1 through 5 on page 18 with "Notwithstanding any other provision to the contrary, the Department shall not seek recovery of overpayments, adjustments, or other amounts due that are more than 6 years old, except in the following circumstances: (i) there is an active investigation initiated by the Department of State Police or any other State or federal law enforcement agency during the 6-year period, in which case the 6-year limitation for the recovery of

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overpayments, adjustments, or other amounts due is tolled for the period of time the matter is under investigation or prosecution; or (ii) the Centers for Medicare and Medicaid Services attempts to recover federal financial participation moneys from the Department resulting from an overpayment more than 6 years old and the Centers for Medicare and Medicaid Services determines that the overpayment is not discharged or uncollectible pursuant to Section 1903(d)(2)(D) of the Social Security Act."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 5539** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

| | | | |
|---------------|------------|--------------|---------------|
| Althoff | Forby | McCarter | Rezin |
| Anderson | Haine | McConchie | Rose |
| Barickman | Harmon | McConnaughay | Sandoval |
| Bennett | Hastings | McGuire | Silverstein |
| Biss | Holmes | Morrison | Stadelman |
| Bivins | Hunter | Mulroe | Steans |
| Brady | Hutchinson | Muñoz | Sullivan |
| Bush | Landek | Murphy, L. | Syverson |
| Clayborne | Lightford | Murphy, M. | Trotter |
| Collins | Link | Nybo | Van Pelt |
| Connelly | Manar | Oberweis | Weaver |
| Cullerton, T. | Martinez | Radogno | Mr. President |
| Cunningham | McCann | Raoul | |

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

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

On motion of Senator Raoul, **House Bill No. 4365** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

| | | | |
|-----------|------------|--------------|-------------|
| Althoff | Haine | McConnaughay | Sandoval |
| Anderson | Harmon | McGuire | Silverstein |
| Barickman | Hastings | Morrison | Stadelman |
| Bennett | Holmes | Mulroe | Steans |
| Biss | Hunter | Muñoz | Sullivan |
| Bivins | Hutchinson | Murphy, L. | Syverson |
| Brady | Landek | Murphy, M. | Trotter |

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| | | | |
|---------------|-----------|----------|---------------|
| Bush | Lightford | Nybo | Van Pelt |
| Clayborne | Link | Oberweis | Weaver |
| Collins | Manar | Radogno | Mr. President |
| Connelly | Martinez | Raoul | |
| Cullerton, T. | McCann | Rezin | |
| Cunningham | McCarter | Righter | |
| Forby | McConchie | Rose | |

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

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 5:56 o'clock a.m., the Chair announced the Senate stand adjourned until Monday, May 30, 2016, at 9:00 o'clock a.m.