



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

111TH LEGISLATIVE DAY

TUESDAY, MAY 8, 2012

12:23 O'CLOCK P.M.

SENATE
Daily Journal Index
111th Legislative Day

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The Senate met pursuant to adjournment.
 Senator John M. Sullivan, Rushville, Illinois, presiding.
 Prayer by Pat McManus, House of Praise Family Church, Aurora, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 3, 2012, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Renewable Energy Resources Program Report, January through December 2010, submitted by the Department of Commerce and Economic Opportunity.

Renewable Energy Resources Program Report, January through December 2011, submitted by the Department of Commerce and Economic Opportunity.

Illiana Expressway - Will, Kankakee (IL) and Lake (IN) Counties Legislative Report - May 1, 2012, submitted by the Department of Transportation.

The Reduction of Infant Mortality in Illinois - The Family Case Management Program and WIC Program Annual Report for Fiscal Year 2011, submitted by the Department of Human Services.

Analysis of the FY 2013 Capital Infrastructure Plan for the State of Illinois, submitted by the Commission on Government Forecasting and Accountability.

Metropolitan Pier and Exposition Authority's Financial Plan for Fiscal Years 2013, 2014 and 2015, submitted by the Metropolitan Pier and Exposition Authority.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 1135
 Senate Floor Amendment No. 2 to Senate Bill 2653
 Senate Floor Amendment No. 1 to Senate Bill 3210

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

Senate Committee Amendment No. 1 to House Bill 153
 Senate Committee Amendment No. 1 to House Bill 2582
 Senate Committee Amendment No. 1 to House Bill 3825
 Senate Committee Amendment No. 1 to House Bill 3826
 Senate Committee Amendment No. 1 to House Bill 3895
 Senate Committee Amendment No. 1 to House Bill 5280
 Senate Committee Amendment No. 1 to House Bill 5602

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

Senate Floor Amendment No. 3 to House Bill 1466
Senate Floor Amendment No. 3 to House Bill 1605
Senate Floor Amendment No. 3 to House Bill 3329
Senate Floor Amendment No. 1 to House Bill 4526
Senate Floor Amendment No. 4 to House Bill 4753
Senate Floor Amendment No. 2 to House Bill 5289

MESSAGES 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 4, 2012

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 establish May 11, 2012 as the 3rd Reading deadline for the following Senate Bills:

282, 350, 2548, 2621, 2979, 3004, 3478

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 4, 2012

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 establish May 25, 2012 as the Committee deadline for the following House Bills:

[May 8, 2012]

102, 153, 930, 1151, 1157, 1161, 1447, 1489, 1645, 1882, 1907, 1981, 2083, 2582, 2842, 2891, 2896, 3076, 3329, 3340, 3522, 3801, 3816, 3825, 3826, 3865, 3881, 3895, 3914, 3969, 3972, 4005, 4081, 4110, 4148, 4466, 4559, 4656, 4660, 4662, 4670, 4673, 4819, 4963, 4974, 4990, 4995, 5090, 5114, 5115, 5151, 5193, 5201, 5203, 5280, 5463, 5482, 5485, 5486, 5495, 5505, 5602, 5606, 5641, 5655, 5789, 5825, 5865, 5880 and 5914.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 8, 2012

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 establish May 11, 2012 as the 3rd Reading deadline for Senate Bill 3695.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 8, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Tony Munoz to temporarily replace Senator Jeff Schoenberg, as a member of the Senate Public Health Committee. This appointment will automatically expire, upon adjournment of the Senate Public Health Committee.

[May 8, 2012]

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

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 8, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kwame Raoul to temporarily replace Senator Annazette Collins as a member of the Senate Education Committee. This appointment will automatically expire, upon adjournment of the Senate Education Committee.

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

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 746

Offered by Senator Koehler and all Senators:
Mourns the death of Jane Hanna Ising of Homewood.

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

INTRODUCTION OF BILL

SENATE BILL NO. 3917. Introduced by Senator Kotowski, a bill for AN ACT concerning revenue.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5630, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

[May 8, 2012]

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 747

Offered by Senator Frerichs and all Senators:
Mourns the death of Paul Eugene Quinlan of Champaign.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Clayborne, **House Bill No. 1404** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1404

AMENDMENT NO. 1. Amend House Bill 1404 by replacing everything after the enacting clause with the following:

Section 1. Short title. This Act may be cited as the Metro East Police District Act.

Section 3. Definitions.

"Commission" means the Metro East Police District Commission.

"District" means the Metro East Police District.

Section 5. Creation of district. There is created within the County of St. Clair a special police district, named the Metro East Police District. The boundaries of the District shall include the corporate boundaries of the City of East Saint Louis, the Village of Washington Park, the Village of Alorton, and the Village of Brooklyn. The District is created to advance the cause of public safety and law enforcement for the residents of the District.

Section 10. Metro East Police District Commission.

(a) The governing and administrative powers of the Metro East Police District shall be vested in a body politic and corporate named the Metro East Police District Commission, whose powers include but are not limited to, the following:

(1) to apply for, accept and expend grants, loans, or appropriations from the State of Illinois, the federal government, any State or federal agency or instrumentality, any unit of local government, or any other person or entity to be used for any of the purposes of the District. The Commission may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, any unit of local government, or any other person or entity in relation to grants, matching grants, loans, or appropriations. The Commission may provide grants, loans, or appropriations for law enforcement purposes to any unit of local government within the District.

(2) to enter into contracts or agreements with persons or entities for the supply of goods or services as may be necessary for the purposes of the District.

(3) to acquire fee simple title to real property lying within the District and personal property required for its purposes, by gift, purchase, contract, or otherwise for law enforcement purposes including evidence storage, records storage, equipment storage, detainment facilities, training facilities, office space and other purposes of the District. Title shall be taken in the name of the Commission. The Commission may acquire by lease any real property located within the District and personal property found by the Commission to be necessary for its purposes and to which the Commission finds that it need not acquire fee simple title for carrying out of those purposes. The Commission has no eminent domain powers or quick-take powers under this provision.

(4) to establish by ordinance the rules and regulations of the police departments within the District concerning: officer ethics; the carry and use of weapons; search and seizure procedures; procedures for arrests with and without warrants; alternatives to arrest; the use of officer discretion; strip searches and body cavity searches; profiling; use of reasonable force; use of deadly force; use of

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authorized less than lethal weapons; reporting uses of force; weapons and ammunition; weapons proficiency and training; crime analysis; purchasing and requisitions; department property; inventory and control; issue and reissue; recruitment; training attendance; lesson plans; remedial training; officer training record maintenance; department animals; response procedures; pursuit of motor vehicles; roadblocks and forcible stops; missing persons, children, and mentally ill persons; use of equipment; use of vehicle lights and sirens; equipment specifications and maintenance; vehicle safety restraints; authorized personal equipment; protective vests and high risk situations; mobile data access; in-car video and audio; case file management; investigative checklists; informants; cold cases; polygraphs; shift briefings; interviews of witnesses and suspects; line-ups and show-ups; confidential information; juvenile operations; offenders, custody, and interrogation; crime prevention and community interface; critical incident response and planning; hostage negotiation; search and rescue; special events; personnel, equipment, and facility inspections; victim/witness rights, preliminary contact, and follow up; next of kin notification; traffic stops and approaches; speed-measuring devices; DUI procedures; traffic collision reporting and investigation; citation inventory, control and administration; escorts; towing procedures; detainee searches and transportation; search and inventory of vehicles; escape prevention procedures and detainee restraint; sick, injured, and disabled detainees; vehicle safety; holding facility standards; collection and preservation of evidence including but not limited to photos, video, fingerprints, computers, records, DNA samples, controlled substances, weapons, and physical evidence; police report standards and format; submission of evidence to laboratories; follow up of outstanding cases; and application for charges with the State's Attorney, United States Attorney, Attorney General, or other prosecuting authority.

Any ordinance promulgated under this provision may be effective no sooner than 6 months after the effective date of this amendatory Act of the 97th General Assembly.

(5) no later than one year from the effective date of this amendatory Act of the 97th General Assembly, to assume and perform for police departments within the District the powers, rights, and duties concerning police matters prescribed to the board of fire and police commissioners, as provided for in Division 10-2.1 of the Illinois Municipal Code.

(6) to develop a comprehensive plan for improvement and maintenance of law enforcement facilities within the District.

(7) to advance police departments within the District towards accreditation by the national Commission for the Accreditation of Law Enforcement Agencies (CALEA) within 3 years after creation of the District.

(b) The Commission shall consist of 14 appointed members and 3 ex-officio members. Seven members shall be appointed by the Governor with his advice and consent of the Senate. Four members shall be appointed by the Mayor of East St. Louis, with the advise and consent of the city council. One member each shall be appointed by the Village Presidents of Washington Park, Alorton, and Brooklyn, with the advise and consent of the respective village boards. All appointed members shall hold office for a term of 2 years ending on December 31 and until their successors are appointed and qualified. The Mayor of East Saint Louis, with the approval of the city council, may serve as one of the members appointed for East Saint Louis, and the Village Presidents of Washington Park, Alorton, and Brooklyn, with the approval of their respective boards, may serve as the member for their respective municipalities.

The Director of the Illinois State Police, or his or her designee, the State's Attorney of St. Clair County, or his or her designee, and the Director of the Southern Illinois Law Enforcement Commission, or his or her designee, shall serve as ex-officio members. Ex-officio members may only vote on matters before the Commission in the event of a tie vote.

(c) Any vacancy in the appointed membership of the Commission occurring by reason of the death, resignation, disqualification, removal, or inability or refusal to act of any of the members of the Commission shall be filled by the authority that had appointed the particular member, and for the unexpired term of office of that particular member.

(d) The Commission shall hold regular meetings annually for the election of a chair, vice-chair, secretary, and treasurer, for the adoption of a budget, and monthly for other business as may be necessary. The Commission shall establish the duties and responsibilities of its officers by rule. The chair, or any 9 members of the Commission, may call special meetings of the Commission. Each member shall take an oath of office for the faithful performance of his or her duties. The Commission may not transact business at a meeting of the Commission unless there is present at the meeting a quorum consisting of at least 9 members. Meetings may be held by telephone conference or other communications equipment by means of which all persons participating in the meeting can communicate with each other consistent with the Open Meetings Act.

(e) The Commission shall submit to the General Assembly, no later than March 1 of each odd-

numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives and the President, the Minority Leader, and the Secretary of the Senate and with the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and by filing additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(f) The Auditor General shall conduct audits of the Commission in the same manner as the Auditor General conducts audits of State agencies under the Illinois State Auditing Act.

(g) The Commission is a public body for purposes of the Open Meetings Act and the Freedom of Information Act.

(h) This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 15. Disposition of money; income fund. There is created in the State Treasury the Metro East Police District Fund. All moneys received by the Commission shall be deposited into the Fund. Subject to appropriation, the Commission is authorized to use all money received for all purposes and powers set forth in this Act. The Auditor General shall, at least biennially, audit or cause to be audited all records and accounts of the Commission pertaining to the operation of the District.

Section 20. Intergovernmental agreements. In addition to the powers granted to municipalities under Section 11-1-2.1 of the Illinois Municipal Code for police mutual aid and assistance, municipalities within the District may enter into intergovernmental agreements with other municipalities within or contiguous to the District, the Commission, or St. Clair County, for purposes of providing police protection and police services within those municipalities, including but not limited to communications, patrols, investigations, special units, and juvenile services.

Section 25. The State Finance Act is amended by adding Section 5.811 as follows:
(30 ILCS 105/5.811 new)

Sec. 5.811. The Metro East Police District Fund.

Section 30. The Counties Code is amended by changing Section 5-1101 as follows:
(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees and fines to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A \$5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a \$30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a \$5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision, as follows:

- (1) for a felony, \$50;
- (2) for a class A misdemeanor, \$25;
- (3) for a class B or class C misdemeanor, \$15;
- (4) for a petty offense, \$10;
- (5) for a business offense, \$10.

(d) A \$100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A \$10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court, the county drug court, the Veterans and Servicemembers Court, or any or all of the above.

(e) In each county in which a teen court, peer court, peer jury, youth court, or other youth diversion

program has been created, a county may adopt a mandatory fee of up to \$5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of a teen court, peer court, peer jury, youth court, or other youth diversion program. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the teen court, peer court, peer jury, youth court, or other youth diversion program monthly, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to \$5 paid by the defendant on a judgment of guilty or grant of supervision for violation of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county;

(2) a fee of up to \$5 paid by the defendant on a judgment of guilty or grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

(f) In each county in which a drug court has been created, the county may adopt a mandatory fee of up to \$5 to be assessed as provided in this subsection. Assessments collected by the clerk of the circuit court pursuant to this subsection must be deposited into an account specifically for the operation and administration of the drug court. The clerk of the circuit court shall collect the fees established in this subsection and must remit the fees to the drug court, less 5%, which is to be retained as fee income to the office of the clerk of the circuit court. The fees are to be paid as follows:

(1) a fee of up to \$5 paid by the defendant on a judgment of guilty or grant of supervision for a violation of the Illinois Vehicle Code or a violation of a similar provision contained in a county or municipal ordinance committed in the county; or

(2) a fee of up to \$5 paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense.

The clerk of the circuit court shall deposit the 5% retained under this subsection into the Circuit Court Clerk Operation and Administrative Fund to be used to defray the costs of collection and disbursement of the drug court fee.

(f-5) In each county in which a Children's Advocacy Center provides services, the county board may adopt a mandatory fee of between \$5 and \$30 to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections for a felony; for a Class A, Class B, or Class C misdemeanor; for a petty offense; and for a business offense. Assessments shall be collected by the clerk of the circuit court and must be deposited into an account specifically for the operation and administration of the Children's Advocacy Center. The clerk of the circuit court shall collect the fees as provided in this subsection, and must remit the fees to the Children's Advocacy Center.

(f-10) In addition to any fine imposed under Section 5-9-1 of the Unified Code of Corrections, a county may adopt a mandatory fine of \$100 to be paid by the defendant on a judgment of guilty or a grant of supervision for a felony or a violation of Section 11-501 of the Illinois Vehicle Code, when the offense was committed within the corporate limits of a municipality that is located within a special police district. Assessments shall be collected by the clerk of the circuit court and must be deposited into an account specifically for the operations of the police district. The clerk of the circuit court shall collect the fines as provided in this subsection and must remit the fines to the special fund created in the State Treasury for the police district, and from which the police district shall make grants to support the operations of the police district within that county.

(g) The proceeds of all fees enacted under this Section must, except as provided in subsections (d), (d-5), (e), and (f), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 95-103, eff. 1-1-08; 95-331, eff. 8-21-07; 96-328, eff. 8-11-09; 96-924, eff. 6-14-10.)

Section 35. The Illinois Municipal Code is amended by adding Section 10-2.1-32 as follows:

(65 ILCS 5/10-2.1-32 new)

Sec. 10-2.1-32. Metro East Police District Commission. Notwithstanding any other provision of this Division, the Metro East Police District Commission may assume and perform for police districts within its boundaries the powers, rights, and duties concerning police matters of a board of fire and police commissioners, pursuant to the Metro East Police District Act. However, the Metro East Police District Commission may not assume those powers listed under Sections 10-2.1-1, 10-2.1-2, 10-2.1-3, 10-2.1-5, 10-2.1-6.3, 10-2.1-6.4, 10-2.1-7.1, 10-2.1-18, 10-2.1-21, 10-2.1-22, 10-2.1-25, 10-2.1-27, 10-2.1-28, 10-

2.1-29, 10-2.1-30, or 10-2.1-31 of this Division.

Section 99. Effective date. This Act takes effect January 1, 2013."

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

On motion of Senator Delgado, **House Bill No. 1473** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 2984** having been printed, was taken up and read by title a second time.

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

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

AMENDMENT NO. 2 TO HOUSE BILL 2984

AMENDMENT NO. 2. Amend House Bill 2984 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 1B-8 and 2-3.25f as follows:
(105 ILCS 5/1B-8) (from Ch. 122, par. 1B-8)

Sec. 1B-8. There is created in the State Treasury a special fund to be known as the School District Emergency Financial Assistance Fund (the "Fund"). The School District Emergency Financial Assistance Fund shall consist of appropriations, loan repayments, grants from the federal government, and donations from any public or private source. Moneys in the Fund may be appropriated only to the Illinois Finance Authority and the State Board for those purposes authorized under this Article and Articles 1F and 1H and Section 2-3.25f of this Code. The appropriation may be allocated and expended by the State Board for contractual services to provide technical assistance or consultation to school districts to assess their financial condition and to Financial Oversight Panels that petition for emergency financial assistance grants and as necessary to fulfill the goals and obligations of an intergovernmental agreement between a school district and the State Board of Education for management oversight or an independent authority under Section 2-3.25f of this Code. The Illinois Finance Authority may provide loans to school districts which are the subject of an approved petition for emergency financial assistance under Section 1B-4, 1F-62, ~~or~~ 1H-65 or 2-3.25f of this Code. Neither the State Board of Education nor the Illinois Finance Authority may collect any fees for providing these services.

From the amount allocated to each such school district under this Article the State Board shall identify a sum sufficient to cover all approved costs of the Financial Oversight Panel or intergovernmental agreement between a school district and the State Board of Education for management oversight or an independent authority established for the respective school district. If the State Board and State Superintendent of Education have not approved emergency financial assistance in conjunction with the appointment of a Financial Oversight Panel or the entry into an intergovernmental agreement between a school district and the State Board of Education for management oversight or an independent authority, the ~~Panel's~~ approved costs shall be paid from deductions from the district's general State aid.

The Financial Oversight Panel or a school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority may prepare and file with the State Superintendent a proposal for emergency financial assistance for the school district and for its operations budget. No expenditures from the Fund shall be authorized by the State Superintendent until he or she has approved the request of the Panel or the school board, either as submitted or in such lesser amount determined by the State Superintendent.

The maximum amount of an emergency financial assistance loan which may be allocated to any school district under this Article, including moneys necessary for the operations of any Financial Oversight ~~the Panel,~~ shall not exceed \$4,000 times the number of pupils enrolled in the school district during the school year ending June 30 prior to the date of approval by the State Board of the petition for emergency financial assistance, as certified to the ~~school local board or~~ the Panel or both by the State Superintendent. An emergency financial assistance grant shall not exceed \$2,000 ~~\$1,000~~ times the number of such pupils. A school district may receive both a loan and a grant.

The payment of an emergency State financial assistance grant or loan shall be subject to appropriation by the General Assembly. Payment of the emergency State financial assistance loan is subject to the applicable provisions of the Illinois Finance Authority Act. Emergency State financial assistance

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allocated and paid to a school district under this Article may be applied to any fund or funds from which the local board of education of that district is authorized to make expenditures by law.

Any emergency financial assistance grant proposed by the Financial Oversight Panel or the school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority and approved by the State Superintendent may be paid in its entirety during the initial year of the Panel's existence or the term of the intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence or the term of the intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority. An emergency financial assistance loan proposed by the Financial Oversight Panel or the school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority and approved by the Illinois Finance Authority may be paid in its entirety during the initial year of the Panel's existence or the term of the intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority or spread in equal or declining amounts over a period of years not to exceed the period of the Panel's existence or the term of the intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority. All loans made by the Illinois Finance Authority for a school district shall be required to be repaid, with simple interest over the term of the loan at a rate equal to 50% of the one-year Constant Maturity Treasury (CMT) yield as last published by the Board of Governors of the Federal Reserve System before the date on which the district's loan is approved by the Illinois Finance Authority, not later than the date the Financial Oversight Panel ceases to exist or the expiration of the intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority. The Panel or the school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority shall establish and the Illinois Finance Authority shall approve the terms and conditions, including the schedule, of repayments. The schedule shall provide for repayments commencing July 1 of each year or upon each fiscal year's receipt of moneys from a tax levy for emergency financial assistance. Repayment shall be incorporated into the annual budget of the school district and may be made from any fund or funds of the district in which there are moneys available. An emergency financial assistance loan to the Panel or school district shall not be considered part of the calculation of a school district's debt for purposes of the limitation specified in Section 19-1 of this Code. Default on repayment is subject to the Illinois Grant Funds Recovery Act. When moneys are repaid as provided herein they shall not be made available to the school local board for further use as emergency financial assistance under this Article at any time thereafter. All repayments required to be made by a school district shall be received by the State Board and deposited in the School District Emergency Financial Assistance Fund.

In establishing the terms and conditions for the repayment obligation of the school district, the Panel or the school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority shall annually determine whether a separate local property tax levy is required. The school board of any school district with a tax rate for educational purposes for the prior year of less than 120% of the maximum rate for educational purposes authorized by Section 17-2 shall provide for a separate tax levy for emergency financial assistance repayment purposes. Such tax levy shall not be subject to referendum approval. The amount of the levy shall be equal to the amount necessary to meet the annual repayment obligations of the school district as established by the Panel or the school board that has entered into an intergovernmental agreement between the school district and the State Board of Education for management oversight or an independent authority, or 20% of the amount levied for educational purposes for the prior year, whichever is less. However, no school district shall be required to levy the tax if the district's operating tax rate as determined under Section 18-8 or 18-8.05 exceeds 200% of the district's tax rate for educational purposes for the prior year.

(Source: P.A. 97-429, eff. 8-16-11.)

(105 ILCS 5/2-3.25f) (from Ch. 122, par. 2-3.25f)

Sec. 2-3.25f. State interventions.

(a) The State Board of Education shall provide technical assistance to assist with the development and implementation of School and District Improvement Plans.

Schools or school districts that fail to make reasonable efforts to implement an approved Improvement Plan may suffer loss of State funds by school district, attendance center, or program as the State Board of

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Education deems appropriate.

(a-5) In this subsection (a-5), "school" means any of the following named public schools or their successor name:

- (1) Dirksen Middle School in Dolton School District 149.
- (2) Diekman Elementary School in Dolton School District 149.
- (3) Caroline Sibley Elementary School in Dolton School District 149.
- (4) Berger-Vandenberg Elementary School in Dolton School District 149.
- (5) Carol Moseley Braun School in Dolton School District 149.
- (6) New Beginnings Learning Academy in Dolton School District 149.
- (7) McKinley Junior High School in South Holland School District 150.
- (8) Greenwood Elementary School in South Holland School District 150.
- (9) McKinley Elementary School in South Holland School District 150.
- (10) Eisenhower School in South Holland School District 151.
- (11) Madison School in South Holland School District 151.
- (12) Taft School in South Holland School District 151.
- (13) Wolcott School in Thornton School District 154.
- (14) Memorial Junior High School in Lansing School District 158.
- (15) Oak Glen Elementary School in Lansing School District 158.
- (16) Lester Crawl Primary Center in Lansing School District 158.
- (17) Brookwood Junior High School in Brookwood School District 167.
- (18) Brookwood Middle School in Brookwood School District 167.
- (19) Hickory Bend Elementary School in Brookwood School District 167.
- (20) Medgar Evers Primary Academic Center in Ford Heights School District 169.
- (21) Nathan Hale Elementary School in Sunnybrook School District 171.
- (22) Ira F. Aldridge Elementary School in City of Chicago School District 299.
- (23) William E.B. DuBois Elementary School in City of Chicago School District 299.

If, after 2 years following its placement on academic watch status, a school remains on academic watch status, then, subject to federal appropriation money being available, the State Board of Education shall allow the school board to opt in the process of operating that school on a pilot full-year school plan approved by the State Board of Education upon expiration of its teachers' current collective bargaining agreement until the expiration of the next collective bargaining agreement. A school board must notify the State Board of Education of its intent to opt in the process of operating a school on a pilot full-year school plan.

(b) In addition, if after 3 years following its placement on academic watch status a school district or school remains on academic watch status, the State Board of Education shall take one of the following actions for the district or school:

(1) The State Board of Education may authorize the State Superintendent of Education to direct the regional superintendent of schools to remove school board members pursuant to Section 3-14.28 of this Code. Prior to such direction the State Board of Education shall permit members of the local board of education to present written and oral comments to the State Board of Education. The State Board of Education may direct the State Superintendent of Education to appoint an Independent Authority that shall exercise such powers and duties as may be necessary to operate a school or school district for purposes of improving pupil performance and school improvement. The State Superintendent of Education shall designate one member of the Independent Authority to serve as chairman. The Independent Authority shall serve for a period of time specified by the State Board of Education upon the recommendation of the State Superintendent of Education.

(2) The State Board of Education may (A) change the recognition status of the school district or school to nonrecognized, or (B) authorize the State Superintendent of Education to direct the reassignment of pupils or direct the reassignment or replacement of school district personnel who are relevant to the failure to meet adequate yearly progress criteria. If a school district is nonrecognized in its entirety, it shall automatically be dissolved on July 1 following that nonrecognition and its territory realigned with another school district or districts by the regional board of school trustees in accordance with the procedures set forth in Section 7-11 of the School Code. The effective date of the nonrecognition of a school shall be July 1 following the nonrecognition.

(3) The State Board of Education may enter into an intergovernmental agreement, pursuant to the Intergovernmental Cooperation Act and the Constitution of the State of Illinois, with the school board for the school district or school for management oversight of the planning and operations of the school district or school by the State Board of Education. A school board that enters into an intergovernmental agreement with the State Board of Education under this paragraph (3) may prepare and file with the

State Superintendent of Education a proposal for emergency financial assistance for the school district in accordance with Section 1B-8 of this Code. A school district may receive both a loan and a grant.

(c) All federal requirements apply to schools and school districts utilizing federal funds under Title I, Part A of the federal Elementary and Secondary Education Act of 1965.

(Source: P.A. 97-370, eff. 1-1-12.)

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

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

On motion of Senator Muñoz, **House Bill No. 3875** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 3893** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3893

AMENDMENT NO. 1. Amend House Bill 3893 by replacing everything after the enacting clause with the following:

"Section 5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 1-10 as follows:

(20 ILCS 301/1-10)

Sec. 1-10. Definitions. As used in this Act, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act.

"Addict" means a person who exhibits the disease known as "addiction".

"Addiction" means a disease process characterized by the continued use of a specific psycho-active substance despite physical, psychological or social harm. The term also describes the advanced stages of chemical dependency.

"Administrator" means a person responsible for administration of a program.

"Alcoholic" means a person who exhibits the disease known as "alcoholism".

"Alcoholism" means a chronic and progressive disease or illness characterized by preoccupation with and loss of control over the consumption of alcohol, and the use of alcohol despite adverse consequences. Typically, combinations of the following tendencies are also present: periodic or chronic intoxication; physical disability; impaired emotional, occupational or social adjustment; tendency toward relapse; a detrimental effect on the individual, his family and society; psychological dependence; and physical dependence. Alcoholism is also known as addiction to alcohol. Alcoholism is described and further categorized in clinical detail in the DSM and the ICD.

"Array of services" means assistance to individuals, families and communities in response to alcohol or other drug abuse or dependency. The array of services includes, but is not limited to: prevention assistance for communities and schools; case finding, assessment and intervention to help individuals stop abusing alcohol or other drugs; a uniform screening, assessment, and evaluation process including criteria for substance use disorders and mental disorders or co-occurring substance use and mental health disorders; case management; detoxification to aid individuals in physically withdrawing from alcohol or other drugs; short-term and long-term treatment and support services to help individuals and family members begin the process of recovery; prescription and dispensing of the drug methadone or other medications as an adjunct to treatment; relapse prevention services; education and counseling for children or other co-dependents of alcoholics or other drug abusers or addicts.

"Case management" means those services which will assist individuals in gaining access to needed social, educational, medical, treatment and other services.

"Children of alcoholics or drug addicts or abusers of alcohol and other drugs" means the minor or adult children of individuals who have abused or been dependent upon alcohol or other drugs. These children may or may not become dependent upon alcohol or other drugs themselves; however, they are physically, psychologically, and behaviorally at high risk of developing the illness. Children of alcoholics and other drug abusers experience emotional and other problems, and benefit from prevention and treatment services provided by funded and non-funded agencies licensed by the Department.

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"Co-dependents" means individuals who are involved in the lives of and are affected by people who are dependent upon alcohol and other drugs. Co-dependents compulsively engage in behaviors that cause them to suffer adverse physical, emotional, familial, social, behavioral, vocational, and legal consequences as they attempt to cope with the alcohol or drug dependent person. People who become co-dependents include spouses, parents, siblings, and friends of alcohol or drug dependent people. Co-dependents benefit from prevention and treatment services provided by agencies licensed by the Department.

"Controlled substance" means any substance or immediate precursor which is enumerated in the schedules of Article II of the Illinois Controlled Substances Act or the Cannabis Control Act.

"Crime of violence" means any of the following crimes: murder, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, armed robbery, robbery, arson, kidnapping, aggravated battery, aggravated arson, or any other felony which involves the use or threat of physical force or violence against another individual.

"Department" means the Illinois Department of Human Services as successor to the former Department of Alcoholism and Substance Abuse.

"Designated program" means a program designated by the Department to provide services described in subsection (c) or (d) of Section 15-10 of this Act. A designated program's primary function is screening, assessing, referring and tracking clients identified by the criminal justice system, and the program agrees to apply statewide the standards, uniform criteria and procedures established by the Department pursuant to such designation.

"Detoxification" means the process of allowing an individual to safely withdraw from a drug in a controlled environment.

"DSM" means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders.

"D.U.I." means driving under the influence of alcohol or other substances which may cause impairment of driving ability.

"Facility" means the building or premises which are used for the provision of licensable program services, including support services, as set forth by rule.

"ICD" means the most current edition of the International Classification of Diseases.

"Incapacitated" means that a person is unconscious or otherwise exhibits, by overt behavior or by extreme physical debilitation, an inability to care for his own needs or to recognize the obvious danger of his situation or to make rational decisions with respect to his need for treatment.

"Intermediary person" means a person with expertise relative to addiction, alcoholism, and the abuse of alcohol or other drugs who may be called on to assist the police in carrying out enforcement or other activities with respect to persons who abuse or are dependent on alcohol or other drugs.

"Intervention" means readily accessible activities which assist individuals and their partners or family members in coping with the immediate problems of alcohol and other drug abuse or dependency, and in reducing their alcohol and other drug use. Intervention can facilitate emotional and social stability, and involves referring people for further treatment as needed.

"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the current effects of alcohol or other drugs within the body.

"Local advisory council" means an alcohol and substance abuse body established in a county, township or community area, which represents public and private entities having an interest in the prevention and treatment of alcoholism or other drug abuse.

"Off-site services" means licensable program services or activities which are conducted at a location separate from the primary service location of the provider, and which services are operated by a program or entity licensed under this Act.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Prevention" means an interactive process of individuals, families, schools, religious organizations, communities and regional, state and national organizations to reduce alcoholism, prevent the use of illegal drugs and the abuse of legal drugs by persons of all ages, prevent the use of alcohol by minors, build the capacities of individuals and systems, and promote healthy environments, lifestyles and behaviors.

"Program" means a licensable or fundable activity or service, or a coordinated range of such activities or services, as the Department may establish by rule.

"Recovery" means the long-term, often life-long, process in which an addicted person changes the way in which he makes decisions and establishes personal and life priorities. The evolution of this decision-making and priority-setting process is generally manifested by an obvious improvement in the individual's life and lifestyle and by his overcoming the abuse of or dependence on alcohol or other

drugs. Recovery is also generally manifested by prolonged periods of abstinence from addictive chemicals which are not medically supervised. Recovery is the goal of treatment.

"Rehabilitation" means a process whereby those clinical services necessary and appropriate for improving an individual's life and lifestyle and for overcoming his or her abuse of or dependency upon alcohol or other drugs, or both, are delivered in an appropriate setting and manner as defined in rules established by the Department.

"Relapse" means a process which is manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction or alcoholism.

"Secretary" means the Secretary of Human Services or his or her designee.

"Substance abuse" or "abuse" means a pattern of use of alcohol or other drugs with the potential of leading to immediate functional problems or to alcoholism or other drug dependency, or to the use of alcohol and/or other drugs solely for purposes of intoxication. The term also means the use of illegal drugs by persons of any age, and the use of alcohol by persons under the age of 21.

"Treatment" means the broad range of emergency, outpatient, intermediate and residential services and care (including assessment, diagnosis, medical, psychiatric, psychological and social services, care and counseling, and aftercare) which may be extended to individuals who abuse or are dependent on alcohol or other drugs or families of those persons.

(Source: P.A. 89-202, eff. 7-21-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-135, eff. 7-22-97.)

Section 8. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

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

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women, provided by an individual licensed to practice dentistry or dental surgery; for purposes of this item (10), "dental services" means diagnostic, preventive, or corrective procedures provided by or under the supervision of a dentist in the practice of his or her profession; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services, including to ensure that the individual's need for intervention or treatment of mental disorders or substance use disorders or co-occurring mental health and substance use disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria, for children and adults; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug Administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

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Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Department of Healthcare and Family Services shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

- (1) dental services provided by or under the supervision of a dentist; and
- (2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

Notwithstanding any other provision of this Code and subject to federal approval, the Department may adopt rules to allow a dentist who is volunteering his or her service at no cost to render dental services through an enrolled not-for-profit health clinic without the dentist personally enrolling as a participating provider in the medical assistance program. A not-for-profit health clinic shall include a public health clinic or Federally Qualified Health Center or other enrolled provider, as determined by the Department, through which dental services covered under this Section are performed. The Department shall establish a process for payment of claims for reimbursement for covered dental services rendered under this provision.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Department of Healthcare and Family Services must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) eosinophilic disorders and (ii) short bowel syndrome when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows:

- (A) A baseline mammogram for women 35 to 39 years of age.
- (B) An annual mammogram for women 40 years of age or older.
- (C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.
- (D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with an average radiation exposure delivery of less than one rad per breast for 2 views of an average size breast. The term also includes digital mammography.

On and after January 1, 2012, providers participating in a quality improvement program approved by the Department shall be reimbursed for screening and diagnostic mammography at the same rate as the Medicare program's rates, including the increased reimbursement for digital mammography.

The Department shall convene an expert panel including representatives of hospitals, free-standing mammography facilities, and doctors, including radiologists, to establish quality standards.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography.

The Department shall establish a performance goal for primary care providers with respect to their female patients over age 40 receiving an annual mammogram. This performance goal shall be used to provide additional reimbursement in the form of a quality performance bonus to primary care providers who meet that goal.

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in

the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Healthcare and Family Services shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Department of Healthcare and Family Services nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

Notwithstanding any other provision of law, a health care provider under the medical assistance program may elect, in lieu of receiving direct payment for services provided under that program, to participate in the State Employees Deferred Compensation Plan adopted under Article 24 of the Illinois Pension Code. A health care provider who elects to participate in the plan does not have a cause of action against the State for any damages allegedly suffered by the provider as a result of any delay by the State in crediting the amount of any contribution to the provider's plan account.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

- (1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.
- (2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.
- (3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

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Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. Such records must be retained for a period of not less than 6 years from the date of service or as provided by applicable State law, whichever period is longer, except that if an audit is initiated within the required retention period then the records must be retained until the audit is completed and every exception is resolved. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Healthcare and Family Services may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency

agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
- (d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section.

Rulemaking authority to implement Public Act 95-1045, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 96-156, eff. 1-1-10; 96-806, eff. 7-1-10; 96-926, eff. 1-1-11; 96-1000, eff. 7-2-10; 97-48, eff. 6-28-11; 97-638, eff. 1-1-12.)

Section 10. The Community Services Act is amended by changing Section 2 as follows:
(405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

Sec. 2. Community Services System. Services should be planned, developed, delivered and evaluated as part of a comprehensive and coordinated system. The Department of Human Services shall encourage the establishment of services in each area of the State which cover the services categories described below. What specific services are provided under each service category shall be based on local needs; special attention shall be given to unserved and underserved populations, including children and youth, racial and ethnic minorities, and the elderly. The service categories shall include:

- (a) Prevention: services designed primarily to reduce the incidence and ameliorate the severity of developmental disabilities, mental illness and alcohol and drug dependence;
- (b) Client Assessment and Diagnosis: services designed to identify persons with developmental disabilities, mental illness and alcohol and drug dependency; to determine the extent of the disability and the level of functioning; to ensure that the individual's need for treatment of mental disorders or substance use disorders or co-occurring substance use and mental health disorders is determined using a uniform screening, assessment, and evaluation process inclusive of criteria; information obtained through client evaluation can be used in individual treatment and habilitation plans; to assure appropriate placement and to assist in program evaluation;
- (c) Case Coordination: services to provide information and assistance to disabled persons to insure that they obtain needed services provided by the private and public sectors; case coordination services should be available to individuals whose functioning level or history of institutional recidivism or long-term care indicate that such assistance is required for successful community living;
- (d) Crisis and Emergency: services to assist individuals and their families through crisis periods, to stabilize individuals under stress and to prevent unnecessary institutionalization;
- (e) Treatment, Habilitation and Support: services designed to help individuals develop skills which promote independence and improved levels of social and vocational functioning and personal growth; and to provide non-treatment support services which are necessary for successful community living;
- (f) Community Residential Alternatives to Institutional Settings: services to provide living

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arrangements for persons unable to live independently; the level of supervision, services provided and length of stay at community residential alternatives will vary by the type of program and the needs and functioning level of the residents; other services may be provided in a community residential alternative which promote the acquisition of independent living skills and integration with the community. (Source: P.A. 89-507, eff. 7-1-97.)

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

AMENDMENT NO. 2 TO HOUSE BILL 3893

AMENDMENT NO. 2. Amend House Bill 3893, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 as follows:

on page 3, line 7, after the period, by inserting "For purposes of this Section, a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral. "Uniform" does not mean the use of a singular instrument, tool, or process that all must utilize."; and

on page 9, line 26, after "adults;" by inserting "for purposes of this item (13), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize."; and

on page 25, line 6, after "criteria;" by inserting "for purposes of this subsection (b), a uniform screening, assessment, and evaluation process refers to a process that includes an appropriate evaluation and, as warranted, a referral; "uniform" does not mean the use of a singular instrument, tool, or process that all must utilize.".

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

On motion of Senator Martinez, **House Bill No. 4076** was taken up, read by title a second time and ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Muñoz, **House Bill No. 4510** 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	Hunter	Link	Rezin
Bivins	Hutchinson	Maloney	Righter
Bomke	Jacobs	Martinez	Sandack
Brady	Johnson, C.	McGuire	Sandoval
Clayborne	Johnson, T.	Meeks	Schmidt
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Frerichs	Kotowski	Murphy	Trotter
Garrett	LaHood	Noland	Mr. President
Haine	Landek	Pankau	
Harmon	Lauzen	Radogno	
Holmes	Lightford	Raoul	

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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.

ANNOUNCEMENT ON ATTENDANCE

Senator Link announced for the record that Senator Silverstein was absent due to illness.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, **House Bill No. 4136** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 4442** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 4453** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 4479** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4479

AMENDMENT NO. 1. Amend House Bill 4479 as follows:

on page 4, immediately below line 2, by inserting the following:

"(j) "ICC" means the International Code Council."; and

on page 11, by replacing line 12 with the following:

"(1) Pass the ICC/NAFED examination administered by the ICC as a"; and

on page 11, by replacing line 23 with the following:

"(1) Pass the ICC/NAFED examination administered by the ICC as a"; and

on page 12, by replacing line 8 with the following:

"(1) Pass the ICC/NAFED examination administered by the ICC as a".

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

On motion of Senator Crotty, **House Bill No. 4492** was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:54 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:07 o'clock p.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

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Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2012 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Agriculture and Conservation: **Senate Resolution No. 745.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2012 meeting, reported the following House Bills have been assigned to the indicated Standing Committee of the Senate:

Executive: **House Bills Numbered 1447, 3076 and 5151.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2012 meeting, to which was referred **House Bills Numbered 1151 and 3372** on July 23, 2011, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 1151 and 3372** were returned to the order of second reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2012 meeting, to which was referred **House Bills Numbered 1466 and 3329** on July 23, 2011, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 1466 and 3329** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 8, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Committee Amendment No. 1 to House Bill 2582; Committee Amendment No. 1 to House Bill 3825; Committee Amendment No. 1 to House Bill 5280; Floor Amendment No. 2 to House Bill 5289 and Senate Committee Amendment No. 1 to House Bill 5602.**

Education: **Senate Floor Amendment No. 3 to House Bill 1466; Senate Committee Amendment No. 1 to House Bill 3826.**

Environment: **Senate Floor Amendment No. 1 to House Bill 4526.**

Executive: **Senate Floor Amendment No. 3 to House Bill 3329.**

Gaming: **Senate Committee Amendment No. 1 to House Bill 4466.**

Insurance: **Senate Committee Amendment No. 1 to House Bill 153.**

Judiciary: **Senate Floor Amendment No. 2 to Senate Bill 1135; Senate Floor Amendment No. 1 to Senate Bill 3210; Senate Floor Amendment No. 2 to House Bill 5016.**

Local Government: **Senate Committee Amendment No. 1 to House Bill 3895.**

Pensions and Investments: **Senate Floor Amendment No. 3 to House Bill 1605.**

Public Health: **Senate Committee Amendment No. 1 to House Bill 4673.**

Transportation: **Senate Floor Amendment No. 2 to Senate Bill 2653; Senate Committee Amendment No. 1 to House Bill 3340.**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 3:31 o'clock p.m.:

Judiciary in Room 400

The Chair announced the following committees to meet at 5:01 o'clock p.m.:

Transportation in Room 400
Education in Room 409

COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 9, 2012

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

Environment in Room 400

The Chair announced the following committee to meet at 10:01 o'clock a.m.:

Criminal Law in Room 212

The Chair announced the following committee to meet at 11:01 o'clock a.m.:

Pensions and Investments in Room 400

The Chair announced the following committees to meet at 2:01 o'clock p.m.:

Revenue in Room 400
Executive in Room 212

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

At the hour of 1:13 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:08 o'clock p.m., the Senate resumed consideration of business.
Senator John Sullivan, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bills Numbered 930, 4819 and 5115**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bill No. 4673**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **Senate Resolution No. 714**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 714** was placed on the Secretary's Desk.

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **Senate Joint Resolution No. 71**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 71** was placed on the Secretary's Desk.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Resolution No. 742**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 742** was placed on the Secretary's Desk.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Joint Resolution No. 69**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 69** was placed on the Secretary's Desk.

Senator Mulroe, Vice-Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 4662**, reported the same back with the recommendation that the bill do pass.

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

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

Senate Amendment No. 1 to Senate Bill 3210

Senate Amendment No. 2 to House Bill 5016

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bill No. 3826**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Joint Resolution No. 51**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 51** was placed on the Secretary's Desk.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bill No. 3340**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator 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. 2 to Senate Bill 2653

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL NO. 5761

A bill for AN ACT concerning revenue.

Passed the House, May 8, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bill No. 5761** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE JOINT RESOLUTION NO. 84

WHEREAS, Section 3 of Article VIII of the Constitution of the State of Illinois provides that the General Assembly, by a vote of three-fifths of the members elected to each house, shall appoint an Auditor General; and

WHEREAS, The General Assembly has, by Section 2-3 of the Illinois State Auditing Act, charged the Legislative Audit Commission with the responsibility of diligently searching out qualified candidates for the office and making recommendations to the General Assembly, and, pursuant to this statutory mandate, the Legislative Audit Commission has conducted a diligent search and has recommended to the General Assembly the appointment of William G. Holland of Springfield, Illinois, as Auditor General; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that pursuant to Section 3 of Article VIII of the Constitution and upon the recommendation of the Legislative Audit Commission, William G. Holland of Springfield, Illinois, is appointed Auditor General for the State of Illinois for a term commencing on August 1, 2012.

Adopted by the House, May 8, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 84 was referred to the Committee on Assignments.

At the hour of 6:11 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 9, 2012, at 12:00 o'clock noon.

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