



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

124TH LEGISLATIVE DAY

TUESDAY, MAY 29, 2012

11:02 O'CLOCK A.M.

SENATE
Daily Journal Index
124th Legislative Day

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The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, May 28, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Report of Social Services Block Grant Fund and Local Initiative Fund Receipts and Transfers State Fiscal Year 2012, submitted by the Department of Human Services.

The foregoing report was ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to House Bill 1076
Senate Floor Amendment No. 3 to House Bill 2891

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 2 and 3 to Senate Bill 2194
Motion to Concur in House Amendment 1 to Senate Bill 3497

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 29, 2012

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

Dear Mr. Secretary:

[May 29, 2012]

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Kimberly Lightford as a member of the Senate Executive Committee. This appointment will automatically expire upon adjournment of the Senate Executive Committee.

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 29, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Jacobs to temporarily replace Senator James Meeks as a member of the Senate Revenue Committee. This appointment will automatically expire upon adjournment of the Senate Revenue Committee.

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 29, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Terry Link to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,

[May 29, 2012]

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 29, 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 31, 2012 as the Committee deadline and 3rd Reading deadline for the following House Bills:

1076, 4239, 4466 and 5192.

In addition, I hereby establish May 31, 2012 as the Committee deadline and 3rd Reading deadline for following Senate Bill 3773.

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

cc: Senate Republican Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 797

Offered by Senator Haine and all Senators:
Mourns the death of Dale Shannon Dawdy of Godfrey.

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

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

SENATE RESOLUTION NO. 795

WHEREAS, Public transportation in urban areas is essential for the quality of life of residents; and

WHEREAS, The neighborhoods of Bronzeville, Bridgeport, Armour Square, McKinley Park, and Little Village within the City of Chicago are without a standard east-west bus route (from Cicero to the Lake Front) through their densely-populated communities, as there is no bus route between Cermak

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Avenue (22nd Street) and 47th Street, which leaves a 3 1/4-mile gap between east-west bus routes; and

WHEREAS, This 3 1/4-mile gap in service is particularly problematic because these neighborhoods have a very high percentage of residents who do not have automobiles; and

WHEREAS, There are approximately 300,000 people in this "bus desert" area without any east-west bus service; and

WHEREAS, The Little Village Lawndale High School is the only Chicago public high school without Chicago Transit Authority Bus Services within 3 blocks of the school; and

WHEREAS, The Chicago Transit Authority cut the 31st Street bus route in 1997, citing relatively low ridership on the bus route; and

WHEREAS, Since 1997, the population in these neighborhoods has risen dramatically and several new anchor institutions have been built, including the Little Village High School and the New 31st Street Harbor, to join existing anchor institutions, including U.S. Cellular Field, the Illinois Institute of Technology, the De La Salle Institute, Arturo Velasquez West Side Tech, McCormick Place, Hyatt Hotel McCormick Place, Soldier Field, the Field Museum, the Aquarium, the Planetarium, 12th St. Beach, and Northerly Island; these new developments would make the 31st Street bus a successful route; and

WHEREAS, In 2009, the CTA, through the Regional Transportation Authority (RTA), successfully applied for and received \$1,067,659 in Job Access Reverse Commute (JARC) Funds through the Federal Transportation Administration (FTA) to operate the bus route for 3 years to assist Chicago area residents to find and get to jobs, but, to date, has not matched the federal grant with \$1,067,659 of its own funds to operate the bus; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call upon the Chicago Transit Authority to prioritize the \$1,067,659 of annual operating funds to relaunch the 31st Street bus from Cicero to the Lake Front for 3 years to serve the people of the Chicago neighborhoods of Little Village, McKinley Park, Armour Square, Bridgeport, the Town of Cicero, and Bronzeville; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Chicago Transit Authority.

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

SENATE RESOLUTION NO. 796

WHEREAS, The Chicago Tribune reported that the Brighton Park neighborhood is the most park-poor neighborhood in the City of Chicago; the community has one small neighborhood park, Kelly Park, which is the recreational focal point for all of its 48,000 residents; and

WHEREAS, Kelly Park has received little money for improvements over the past 40 years; the renovation of Kelly Park is a fundamental step in the community's effort to address street violence and provide a safe environment for children and adults; and

WHEREAS, The Brighton Park Neighborhood Council and the Kelly Park PAC have united to advocate for park improvements, renovations, and safety; and

WHEREAS, The Chicago Park District has assigned a project manager to Kelly Park, who has drafted designs for the park; these proposed renovations include an artificial turf field, new playground equipment and benches, baseball diamonds, a proper drainage system, new sidewalks, and adequate lighting and cameras in all areas of the park; the cost of the renovations are estimated at \$2,800,000; therefore, be it

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RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Chicago Park District to prioritize in its capital plan the renovation of Kelly Park in the Brighton Park neighborhood of the 12th Ward of the City of Chicago by 2014; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Chicago Park District.

REPORTS FROM STANDING COMMITTEES

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

Motion to Concur in House Amendment 1 to Senate Bill 3202; Motion to Concur in House Amendment 1 to Senate Bill 3279; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3685; Motion to Concur in House Amendment 1 to Senate Bill 3792

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

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

Motion to Concur in House Amendment 3 to Senate Bill 409; Motion to Concur in House Amendments 1 and 7 to Senate Bill 1286; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3241; Motion to Concur in House Amendment 1 to Senate Bill 3314; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3386; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3619

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

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

Senate Amendment No. 3 to House Bill 1084
Senate Amendment No. 1 to House Bill 2083

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

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

Motion to Concur in House Amendment 1 to Senate Bill 758; Motion to Concur in House Amendment 1 to Senate Bill 3201; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3261; Motion to Concur in House Amendment 1 to Senate Bill 3399; Motion to Concur in House Amendment 1 to Senate Bill 3576; Motion to Concur in House Amendment 1 to Senate Bill 3631

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

MESSAGES FROM THE HOUSE

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

[May 29, 2012]

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. 86

WHEREAS, From east to west and west to east, United States Highway 50 connects the country from coast to coast, stretching from Ocean City, Maryland, to Sacramento, California, passing through cities across the country including Washington D.C., Cincinnati, St. Louis, Kansas City, Carson City, and Lake Tahoe; and

WHEREAS, In Illinois, US Highway 50 runs 165.79 miles east to west across the southern portion of the State, between Interstate 70 to the north and Interstate 64 to the south; except for interchanges and a small section near the Indiana border, the Illinois Section of US Highway 50 is only 2-lanes; and

WHEREAS, In order for a community to realize its maximum opportunity for economic development, it must have a direct, safe, and efficient connection to the potential markets in the surrounding area; and

WHEREAS, The State of Illinois Department of Transportation is responsible for planning and designing safe access to US Highway 50; and

WHEREAS, Phase I engineering studies were completed for US Route 50 from Lebanon to the Indiana state line between the years of 1969 and 1973, and the Illinois Department of Transportation also funded a feasibility study in 2007 to identify the requirements and cost of upgrading to a 4-lane highway; and

WHEREAS, The feasibility study was completed and approved by the Illinois Department of Transportation in 2008 and declared a feasible expansion project; the funding of \$5,000,000 for the Phase I study was secured in 2009 in the Capital Bill; and

WHEREAS, The Illinois Department of Transportation signed the Phase I Environmental Energy Study Contract for \$3.6 million in July 2011, with the remaining \$1.4 million designated for design engineering of this corridor; and

WHEREAS, The Illinois Route 50 Coalition was first created in 2006 to support the expiation of Route 50 as a means to provide economic development to an area of Illinois that has suffered population loss in the past decade; and

WHEREAS, There is no better route from St. Louis to Cincinnati than the US Route 50 Highway which will revive rural communities and provide economic growth; and

WHEREAS, The communities of Lawrence, Richland, Clay, Marion, Clinton and St. Clair Counties, and the communities of Lawrenceville, Bridgeport, Sumner, Olney, Noble, Clay, Xenia, Iuka, Salem, Centralia, Hoffman, Carlyle, Beckemeyer, Breese, Aviston, Trenton, and Summerfield are in strong favor of the expansion, and completing the engineering study so the project can begin as soon as funds become available; and

WHEREAS, It is in the best interest of the State to pursue efforts to improve or extend the Route 50 Four-Lane Expansion Project between the Indiana state line and connecting with Interstate 64 in Illinois; 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 we encourage State and federal officials to provide funding for this important project as soon as it becomes available; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Secretary of Transportation, the United States Secretary of Transportation, Governor Quinn, to each member of the

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Illinois Congressional delegation, and to the President of the United States, Barack Obama.

Adopted by the House, May 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 86 was referred to the Committee on Assignments.

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. 92

WHEREAS, The members of the Illinois General Assembly are pleased to honor the men and women of law enforcement who worked during the NATO Summit in Chicago; and

WHEREAS, The list of law enforcement agencies that helped during the Summit include: the Chicago Police Department led by Chicago Police Superintendent Garry McCarthy, the Illinois State Police, the Cook County Sheriff's Office, the FBI, the Secret Service, Homeland Security, the Illinois National Guard, the United States Army, law enforcement officers from around the State, law enforcement officers from neighboring states, as well as many others; and

WHEREAS, With over a week of daily rallies and marches, law enforcement officers worked in high temperatures, cumbered with heavy equipment and standing on hot pavement, and in some cases working longer than 12-hour shifts; the officers showed patience and used crowd control tactics that worked, with few injuries or arrests; and

WHEREAS, President Barack Obama, Chicago Mayor Rahm Emanuel, and NATO Secretary General Anders Fogh Rasmussen all praised the 12,000-member police force, with President Obama saying that "Chicago performed magnificently"; and

WHEREAS, Because of the diligent and dedication of law enforcement officers, there was little vandalism or injuries during the NATO Summit, making for a peaceful opportunity for important meetings between heads of state and other dignitaries; 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 we honor the men and women of law enforcement who worked during the NATO Summit and thank them for their dedication to the safety and welfare of others; and be it further

RESOLVED, That suitable copies of this resolution be presented to representatives of the Chicago Police Department, Chicago Police Superintendent Garry McCarthy, the Illinois State Police, the Cook County Sheriff's Office, the FBI, the Secret Service, Homeland Security, the Illinois National Guard, the United States Army, and other law enforcement agencies involved in the NATO Summit.

Adopted by the House, May 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 92 was referred to the Committee on Assignments.

At the hour of 11:08 o'clock a.m., the Chair announced that the Senate stand at ease.

[May 29, 2012]

AT EASE

At the hour of 11:15 o'clock a.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 3 to House Bill 2891.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported that the Committee recommends that **Senate Floor Amendment No. 5 to House Bill No. 3779** be re-referred from the Committee on Executive to the Committee on Gaming.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 2 and 3 to Senate Bill 2194**
Motion to Concur in House Amendment 1 to Senate Bill 3497

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, to which was referred **House Bill No. 1076** on January 14, 2012, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.
And **House Bill No. 1076** was returned to the order of third reading.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 1:00 o'clock p.m.:

Executive in Room 212

The Chair announced the following committees to meet at 4:00 o'clock p.m.:

Criminal Law in Room 212
Environment in Room 400
Local Government in Room 409

The Chair announced the following committees to meet at 4:30 o'clock p.m.:

Insurance in Room 400
State Government and Veterans Affairs in Room 409

The Chair announced the following committees to meet at 5:00 o'clock p.m.:

Energy in Room 212
Financial Institutions in Room 400

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

Human Services in Room 212
Judiciary in Room 400

Senator Trotter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

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

At the hour of 11:44 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:03 o'clock p.m., the Senate resumed consideration of business.
Senator Crotty, presiding.

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 4 to House Bill 2891

REPORT FROM STANDING COMMITTEE

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

Senate Amendment No. 3 to House Bill 2891

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

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

Motion to Concur in House Amendments 2 and 3 to Senate Bill 2194; Motion to Concur in House Amendment 1 to Senate Bill 2578; Motion to Concur in House Amendment 1 to Senate Bill 3497

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

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Steans, **Senate Bill No. 278**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Steans moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 36; NAYS 13.

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The following voted in the affirmative:

Clayborne	Hunter	Martinez	Schmidt
Collins, A.	Hutchinson	McGuire	Silverstein
Crotty	Jacobs	Meeks	Steans
Delgado	Jones, E.	Millner	Sullivan
Dillard	Koehler	Mulroe	Trotter
Forby	Kotowski	Muñoz	Mr. President
Frerichs	Landek	Noland	
Haine	Lightford	Pankau	
Harmon	Link	Raoul	
Holmes	Maloney	Sandoval	

The following voted in the negative:

Althoff	Johnson, T.	Murphy	Syverson
Bomke	LaHood	Radogno	
Cultra	McCann	Rezin	
Johnson, C.	McCarter	Sandack	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 278**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Schoenberg asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 278**.

On motion of Senator Silverstein, **Senate Bill No. 1691**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 37; NAYS 14.

The following voted in the affirmative:

Althoff	Harmon	Link	Sandoval
Clayborne	Holmes	Maloney	Schoenberg
Collins, A.	Hunter	Martinez	Silverstein
Crotty	Hutchinson	McGuire	Steans
Delgado	Jacobs	Meeks	Sullivan
Dillard	Jones, E.	Mulroe	Trotter
Forby	Koehler	Muñoz	Mr. President
Frerichs	Kotowski	Noland	
Garrett	Landek	Radogno	
Haine	Lightford	Raoul	

The following voted in the negative:

Bivins	Johnson, T.	McCann	Righter
Brady	Jones, J.	McCarter	Sandack
Cultra	LaHood	Murphy	
Johnson, C.	Lauzen	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1691**.

Ordered that the Secretary inform the House of Representatives thereof.

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On motion of Senator Silverstein, **Senate Bill No. 2545**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Silverstein moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 40; NAYS 14.

The following voted in the affirmative:

Althoff	Hunter	McGuire	Schmidt
Bomke	Hutchinson	Meeks	Schoenberg
Clayborne	Jacobs	Millner	Silverstein
Crotty	Jones, E.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Forby	Kotowski	Noland	Trotter
Frerichs	Landek	Pankau	Mr. President
Garrett	Lightford	Radogno	
Haine	Link	Raoul	
Harmon	Maloney	Righter	
Holmes	Martinez	Sandoval	

The following voted in the negative:

Bivins	Johnson, C.	McCann	Sandack
Brady	Johnson, T.	McCarter	Syverson
Cultra	LaHood	Murphy	
Dillard	Lauzen	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 2545**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 409**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Righter
Bivins	Holmes	Martinez	Sandack
Bomke	Hunter	McCann	Sandoval
Brady	Hutchinson	McCarter	Schmidt
Clayborne	Johnson, C.	McGuire	Schoenberg
Collins, J.	Johnson, T.	Meeks	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Mr. President
Frerichs	Lauzen	Pankau	
Garrett	Lightford	Radogno	
Haine	Link	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 409**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 758**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 41; NAYS 11.

The following voted in the affirmative:

Clayborne	Hunter	Meeks	Schmidt
Collins, A.	Hutchinson	Millner	Schoenberg
Collins, J.	Jones, E.	Mulroe	Silverstein
Crotty	Koehler	Muñoz	Steans
Delgado	Kotowski	Murphy	Sullivan
Dillard	Landek	Noland	Syverson
Frerichs	Lightford	Pankau	Trotter
Garrett	Link	Radogno	Mr. President
Haine	Maloney	Raoul	
Harmon	Martinez	Sandack	
Holmes	McGuire	Sandoval	

The following voted in the negative:

Bivins	Johnson, C.	Lauzen	Rezin
Brady	Johnson, T.	McCann	Righter
Cultra	LaHood	McCarter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 758**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Althoff asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 758**.

On motion of Senator Jacobs, **Senate Bill No. 1286**, with House Amendments numbered 1 and 7 on the Secretary's Desk, was taken up for immediate consideration.

Senator Jacobs moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Brady	Hutchinson	McCann	Schmidt
Clayborne	Jacobs	McGuire	Schoenberg
Collins, A.	Johnson, C.	Meeks	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan

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Cultra	Jones, J.	Muñoz	Syverson
Delgado	Koehler	Murphy	Trotter
Dillard	Kotowski	Noland	Mr. President
Forby	LaHood	Pankau	
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 7 to **Senate Bill No. 1286**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schoenberg, **Senate Bill No. 2194**, with House Amendments numbered 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 31; NAYS 27.

The following voted in the affirmative:

Clayborne	Holmes	Link	Raoul
Collins, A.	Hunter	Maloney	Sandoval
Collins, J.	Hutchinson	Martinez	Schoenberg
Crotty	Jones, E.	McGuire	Silverstein
Delgado	Koehler	Meeks	Steans
Garrett	Kotowski	Mulroe	Trotter
Haine	Landek	Muñoz	Mr. President
Harmon	Lightford	Noland	

The following voted in the negative:

Althoff	Forby	Lauzen	Rezin
Bivins	Frerichs	McCann	Righter
Bomke	Jacobs	McCarter	Sandack
Brady	Johnson, C.	Millner	Schmidt
Cultra	Johnson, T.	Murphy	Sullivan
Dillard	Jones, J.	Pankau	Syverson
Duffy	LaHood	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 2 and 3 to **Senate Bill No. 2194**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2578**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Cullerton moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Righter
Bivins	Holmes	Martinez	Sandack

[May 29, 2012]

Bomke	Hunter	McCann	Sandoval
Brady	Hutchinson	McCarter	Schmidt
Clayborne	Jacobs	McGuire	Schoenberg
Collins, A.	Johnson, C.	Meeks	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Murphy	Trotter
Dillard	LaHood	Noland	Mr. President
Forby	Landek	Pankau	
Frerichs	Lauzen	Radogno	
Garrett	Lightford	Raoul	
Haine	Link	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2578**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 3201**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dillard moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 56; NAY 1.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Righter
Bivins	Hunter	Martinez	Sandack
Bomke	Hutchinson	McCann	Sandoval
Brady	Jacobs	McCarter	Schmidt
Clayborne	Johnson, C.	McGuire	Schoenberg
Collins, A.	Johnson, T.	Meeks	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Pankau	
Garrett	Lauzen	Radogno	
Haine	Lightford	Raoul	
Harmon	Link	Rezin	

The following voted in the negative:

Cultra

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3201**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **Senate Bill No. 3261**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Martinez moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

[May 29, 2012]

YEAS 34; NAYS 23.

The following voted in the affirmative:

Clayborne	Harmon	Link	Sandoval
Collins, A.	Holmes	Maloney	Schoenberg
Collins, J.	Hunter	Martinez	Silverstein
Crotty	Hutchinson	McGuire	Steans
Delgado	Jones, E.	Meeks	Sullivan
Forby	Koehler	Mulroe	Trotter
Frerichs	Kotowski	Muñoz	Mr. President
Garrett	Landek	Noland	
Haine	Lightford	Raoul	

The following voted in the negative:

Althoff	Jacobs	McCann	Rezin
Bivins	Johnson, C.	McCarter	Righter
Bomke	Johnson, T.	Millner	Sandack
Brady	Jones, J.	Murphy	Schmidt
Cultra	LaHood	Pankau	Syverson
Dillard	Lauzen	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 3261**.

Ordered that the Secretary inform the House of Representatives thereof.

POSTING NOTICES WAIVED

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 4320** so that the measure may be heard in the Committee on Gaming that is scheduled to meet this evening.

The motion prevailed.

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 5865** so that the measure may be heard in the Committee on Pensions and Investments that is scheduled to meet May 30, 2012.

The motion prevailed.

Senator Clayborne moved to waive the six-day posting requirement on **Senate Bill No. 3773** so that the measure may be heard in the Committee on Executive that is scheduled to meet May 30, 2012.

The motion prevailed.

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 4239** so that the measure may be heard in the Committee on Revenue that is scheduled to meet May 30, 2012.

The motion prevailed.

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 5192** so that the measure may be heard in the Committee on Revenue that is scheduled to meet May 30, 2012.

The motion prevailed.

Senator Clayborne moved to waive the six-day posting requirement on **House Bill No. 4074** so that the measure may be heard in the Committee on Licensed Activities that is scheduled to meet May 30, 2012.

The motion prevailed.

Senator Sandoval moved to waive the six-day posting requirement on **House Bill No. 4466** so that the measure may be heard in the Committee on Gaming that is scheduled to meet this evening. And on that motion, a call of the roll was had resulting as follows:

YEAS 33; NAYS 21.

The following voted in the affirmative:

Clayborne	Holmes	Maloney	Schoenberg
Collins, A.	Hunter	Martinez	Silverstein
Collins, J.	Hutchinson	McGuire	Steans
Crotty	Jones, E.	Meeks	Sullivan
Delgado	Koehler	Mulroe	Trotter
Forby	Kotowski	Muñoz	Mr. President
Frerichs	Landek	Noland	
Garrett	Lightford	Raoul	
Haine	Link	Sandoval	

The following voted in the negative:

Althoff	Johnson, C.	McCarter	Righter
Bivins	Johnson, T.	Millner	Sandack
Bomke	Jones, J.	Murphy	Schmidt
Brady	LaHood	Pankau	
Cultra	Lauzen	Radogno	
Dillard	McCann	Rezin	

The motion prevailed.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Maloney, **Senate Bill No. 3202**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Maloney moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Raoul
Bivins	Holmes	Maloney	Rezin
Bomke	Hunter	Martinez	Righter
Brady	Hutchinson	McCann	Sandack
Clayborne	Jacobs	McCarter	Sandoval
Collins, A.	Johnson, C.	McGuire	Schmidt
Collins, J.	Johnson, T.	Meeks	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Forby	LaHood	Noland	Trotter
Frerichs	Landek	Pankau	Mr. President
Garrett	Lightford	Radogno	

The motion prevailed.

[May 29, 2012]

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3202**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **Senate Bill No. 3241**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Brady	Hutchinson	McCann	Schmidt
Clayborne	Jacobs	McCarter	Schoenberg
Collins, A.	Johnson, C.	McGuire	Silverstein
Collins, J.	Johnson, T.	Meeks	Steans
Crotty	Jones, E.	Millner	Sullivan
Cultra	Jones, J.	Mulroe	Syverson
Delgado	Koehler	Murphy	Trotter
Dillard	Kotowski	Noland	Mr. President
Forby	LaHood	Pankau	
Frerichs	Landek	Radogno	
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 3241**.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 29, 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 31, 2012 as the 3rd Reading deadline for the following House Bills:

5290 and 5823.

[May 29, 2012]

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

cc: Senate Republican Leader Christine Radogno

CONSIDERATION OF HOUSE BILL ON CONSIDERATION POSTPONED

On motion of Senator Steans, **House Bill No. 5290**, having been read by title a third time on May 22, 2012, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 29; NAYS 21; Present 6.

The following voted in the affirmative:

Clayborne	Holmes	Martinez	Schoenberg
Collins, A.	Hunter	McGuire	Silverstein
Collins, J.	Hutchinson	Millner	Steans
Crotty	Jones, E.	Mulroe	Trotter
Delgado	Koehler	Muñoz	Mr. President
Frerichs	Kotowski	Noland	
Garrett	Lightford	Raoul	
Harmon	Link	Sandoval	

The following voted in the negative:

Bivins	Jacobs	McCann	Righter
Bomke	Johnson, C.	McCarter	Schmidt
Brady	Johnson, T.	Meeks	Syverson
Cultra	Jones, J.	Pankau	
Forby	LaHood	Radogno	
Haine	Lauzen	Rezin	

The following voted present:

Althoff	Landek	Murphy
Dillard	Maloney	Sullivan

This bill, having failed to receive the vote of a constitutional majority of the members elected, was declared lost.

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Martinez, **Senate Bill No. 3279**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Martinez moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

[May 29, 2012]

Althoff	Harmon	Lightford	Radogno
Bivins	Holmes	Link	Raoul
Bomke	Hunter	Maloney	Rezin
Brady	Hutchinson	Martinez	Sandack
Clayborne	Jacobs	McCann	Sandoval
Collins, A.	Johnson, C.	McCarter	Schmidt
Collins, J.	Johnson, T.	McGuire	Schoenberg
Crotty	Jones, E.	Meeks	Silverstein
Cultra	Jones, J.	Millner	Steans
Delgado	Koehler	Mulroe	Sullivan
Dillard	Kotowski	Muñoz	Syverson
Forby	LaHood	Murphy	Trotter
Frerichs	Landek	Noland	Mr. President
Haine	Lauzen	Pankau	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 3279**.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF HOUSE BILL ON CONSIDERATION POSTPONED

On motion of Senator Mulroe, **House Bill No. 5823**, having been read by title a third time on May 25, 2012, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 35; NAYS 20.

The following voted in the affirmative:

Clayborne	Holmes	Link	Raoul
Collins, A.	Hunter	Maloney	Sandoval
Collins, J.	Hutchinson	Martinez	Schoenberg
Crotty	Johnson, T.	McGuire	Silverstein
Delgado	Jones, E.	Meeks	Steans
Frerichs	Koehler	Mulroe	Sullivan
Garrett	Kotowski	Muñoz	Trotter
Haine	Landek	Noland	Mr. President
Harmon	Lightford	Radogno	

The following voted in the negative:

Althoff	Johnson, C.	Millner	Schmidt
Bivins	Jones, J.	Murphy	Syverson
Bomke	LaHood	Pankau	
Brady	Lauzen	Rezin	
Cultra	McCann	Righter	
Jacobs	McCarter	Sandack	

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.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

[May 29, 2012]

Senator Link moved that **Senate Joint Resolution No. 77**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Link moved that Senate Joint Resolution No. 77 be adopted.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Martinez	Sandack
Bomke	Hunter	McCann	Sandoval
Brady	Hutchinson	McCarter	Schmidt
Clayborne	Jacobs	McGuire	Schoenberg
Collins, A.	Johnson, C.	Meeks	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Murphy	Syverson
Dillard	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	
Garrett	Lightford	Raoul	
Haine	Link	Rezin	
Harmon	Maloney	Righter	

The motion prevailed.

And the resolution was adopted.

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

LEGISLATIVE MEASURES FILED

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. 3 to House Bill 1263

Senate Committee Amendment No. 1 to House Bill 5865

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

Senate Floor Amendment No. 2 to House Bill 1447

Senate Floor Amendment No. 2 to House Bill 3076

Senate Floor Amendment No. 3 to House Bill 3865

At the hour of 4:37 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 4:48 o'clock p.m., the Senate resumed consideration of business.

Senator Crotty, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

[May 29, 2012]

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Committee Amendment No. 3 to House Bill 1263.**

Executive: **Senate Floor Amendment No. 2 to House Bill 1447; Senate Floor Amendment No. 2 to House Bill 3076; Senate Floor Amendment No. 3 to House Bill 3865.**

Gaming: **HOUSE BILL 4320.**

Pensions and Investments: **HOUSE BILL 5865.**

Revenue: **Senate Floor Amendment No. 2 to House Bill 1076.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 4 to House Bill 2891.

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

House Joint Resolutions numbered 83 and 92.

The foregoing resolutions were placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 29, 2012 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Pensions and Investments: **Senate Committee Amendment No. 1 to House Bill 5865.**

COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 30, 2012

The Chair announced the following committee to meet at 8:01 o'clock a.m.:

Criminal Law in Room 212

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

Transportation in Room 400

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

Pensions and Investments in Room 400

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

Executive in Room 212

Revenue in Room 400

Licensed Activities in Room 409

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT

[May 29, 2012]

STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 29, 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 31, 2012 as the Committee deadline and 3rd Reading deadline for House Bill 5865.

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 29, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Heather Steans to temporarily replace Senator James Clayborne as a member of the Senate Energy Committee. This appointment will automatically expire upon adjournment of the Senate Energy Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 4:51 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

[May 29, 2012]

At the hour of 6:59 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

REPORTS FROM STANDING COMMITTEES

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

Motion to Concur in House Amendment 1 to Senate Bill 2944; Motion to Concur in House Amendments 2 and 3 to Senate Bill 3258; Motion to Concur in House Amendments 1 and 2 to Senate Bill 3349; Motion to Concur in House Amendments 1 and 3 to Senate Bill 3638

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

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2867; Motion to Concur in House Amendment 1 to Senate Bill 2882; Motion to Concur in House Amendment 1 to Senate Bill 2950

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

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

Senate Amendment No. 2 to House Bill 3372

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

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

Motion to Concur in House Amendment 1 to Senate Bill 548; Motion to Concur in House Amendment 1 to Senate Bill 3184; Motion to Concur in House Amendment 1 to Senate Bill 3373; Motion to Concur in House Amendment 1 to Senate Bill 3406

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 3240

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 351

Senate Amendment No. 2 to House Bill 1882

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 180; Motion to Concur in House Amendment 1 to Senate Bill 2524; Motion to Concur in House Amendment 1 to Senate Bill 2837; Motion to Concur in House Amendment 1 to Senate Bill 3746

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

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

Senate Amendment No. 1 to House Bill 5071

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

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

Motion to Concur in House Amendment 1 to Senate Bill 2526; Motion to Concur in House Amendment 1 to Senate Bill 3170; Motion to Concur in House Amendment 1 to Senate Bill 3591

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

Senator J. Collins, Chairperson of the Committee on Financial Institutions, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 2 and 4 to Senate Bill 1692

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Link, Chairperson of the Committee on Gaming, to which was referred **House Bills Numbered 4320 and 4466**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 5 to House Bill 3779

Senate Amendment No. 6 to House Bill 3779

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

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

Senate Amendment No. 4 to House Bill 1489

[May 29, 2012]

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

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1351; Motion to Concur in House Amendment 2 to Senate Bill 2934; Motion to Concur in House Amendment 1 to Senate Bill 3601; Motion to Concur in House Amendment 1 to Senate Bill 3718

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

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

Motion to Concur in House Amendment 1 to Senate Bill 3171; Motion to Concur in House Amendment 3 to Senate Bill 3572; Motion to Concur in House Amendment 1 to Senate Bill 3593; Motion to Concur in House Amendment 1 to Senate Bill 3594; Motion to Concur in House Amendment 1 to Senate Bill 3602; Motion to Concur in House Amendment 1 to Senate Bill 3726

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1338

A bill for AN ACT concerning criminal law.

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

House Amendment No. 3 to SENATE BILL NO. 1338

House Amendment No. 4 to SENATE BILL NO. 1338

Passed the House, as amended, May 29, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 1338

AMENDMENT NO. 3. Amend Senate Bill 1338 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 3-2-5 as follows:

(730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

Sec. 3-2-5. Organization of the Department of Corrections and the Department of Juvenile Justice.

(a) There shall be an Adult Division within ~~the~~ the Department which shall be administered by an Assistant Director appointed by the Governor under The Civil Administrative Code of Illinois. The Assistant Director shall be under the direction of the Director. The Adult Division shall be responsible for all persons committed or transferred to the Department under Sections 3-10-7 or 5-8-6 of this Code.

(b) There shall be a Department of Juvenile Justice which shall be administered by a Director appointed by the Governor under the Civil Administrative Code of Illinois. The Department of Juvenile Justice shall be responsible for all persons under 17 years of age when sentenced to imprisonment and committed to the Department under subsection (c) of Section 5-8-6 of this Code, Section 5-10 of the Juvenile Court Act, or Section 5-750 of the Juvenile Court Act of 1987. Persons under 17 years of age committed to the Department of Juvenile Justice pursuant to this Code shall be sight and sound separate

[May 29, 2012]

from adult offenders committed to the Department of Corrections.

(c) The Department shall create a gang intelligence unit under the supervision of the Director. The unit shall be specifically designed to gather information regarding the inmate gang population, monitor the activities of gangs, and prevent the furtherance of gang activities through the development and implementation of policies aimed at deterring gang activity. The Director shall appoint a Corrections Intelligence Coordinator.

All information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the Department. The information shall be used to control and limit the activities of gangs within correctional institutions under the jurisdiction of the Illinois Department of Corrections and may be shared with other law enforcement agencies in order to curb gang activities outside of correctional institutions under the jurisdiction of the Department and to assist in the investigations and prosecutions of gang activity. The Department shall establish and promulgate rules governing the release of information to outside law enforcement agencies. Due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed.

The Department shall file an annual report with the General Assembly on the profile of the inmate population associated with gangs, gang-related activity within correctional institutions under the jurisdiction of the Department, and an overall status of the unit as it relates to its function and performance.

(Source: P.A. 94-696, eff. 6-1-06.)"

AMENDMENT NO. 4 TO SENATE BILL 1338

AMENDMENT NO. 4. Amend Senate Bill 1338, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Task Force on Inventorying Employment Restrictions Act is amended by changing Section 15 as follows:

(20 ILCS 5000/15)

Sec. 15. Task Force.

(a) The Task Force on Inventorying Employment Restrictions is hereby created in the Illinois Criminal Justice Information Authority. The purpose of the Task Force is to review the statutes, administrative rules, policies and practices that restrict employment of persons with a criminal history, as set out in subsection (c) of this Section, and to report to the Governor and the General Assembly those employment restrictions and their impact on employment opportunities for people with criminal records. The report shall also identify any employment restrictions that are not reasonably related to public safety.

(b) Within 60 days after the effective date of this amendatory Act of the 97th General Assembly, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each appoint 2 members of the General Assembly to the Task Force. The term of office of any member of the public appointed by the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, or the Minority Leader of the House of Representatives serving on the effective date of this amendatory Act of the 97th General Assembly shall end on that date. The Governor shall appoint the Task Force chairperson. In addition, the Director or Secretary of each of the following, or his or her designee, are members: the Department of Human Services, the Department of Corrections, the Department of Commerce and Economic Opportunity, the Department of Children and Family Services, the Department of Human Rights, the Department of Central Management Services, the Department of Employment Security, the Department of Public Health, the Department of State Police, the Illinois State Board of Education, the Illinois Board of Higher Education, the Illinois Community College Board, and the Illinois Criminal Justice Information Authority. Members shall not receive compensation. The Illinois Criminal Justice Information Authority shall provide staff and other assistance to the Task Force.

(c) On or before November 1, 2011, all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any, including, but not limited to, employment within the agency; employment in facilities licensed, regulated, supervised, or funded by the agency; employment pursuant to contracts with the agency; and employment in occupations that the agency licenses or provides certifications to practice. For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

(1) the job title, occupation, job classification, or restricted place of employment,

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including the range of occupations affected in such places;

(2) the statute, regulation, policy, and procedure that authorizes the restriction of applicants for employment and licensure, current employees, and current licenses;

(3) the substance and terms of the restriction, and

(A) if the statute, regulation, policy or practice enumerates disqualifying offenses, a list of each disqualifying offense, the time limits for each offense, and the point in time when the time limit begins;

(B) if the statute, regulation, policy or practice does not enumerate disqualifying offenses and instead provides for agency discretion in determining disqualifying offenses, the criteria the agency has adopted to apply the disqualification to individual cases. Restrictions based on agency discretion include, but are not limited to, restrictions based on an offense "related to" the practice of a given profession; an offense or act of "moral turpitude"; and an offense evincing a lack of "good moral character".

(4) the procedures used by the agency to identify an individual's criminal history, including but not limited to disclosures on applications and background checks conducted by law enforcement or private entities;

(5) the procedures used by the agency to determine and review whether an individual's criminal history disqualifies that individual;

(6) the year the restriction was adopted, and its rationale;

(7) any exemption, waiver, or review mechanisms available to seek relief from the disqualification based on a showing of rehabilitation or otherwise, including the terms of the mechanism, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized;

(8) any statute, rule, policy and practice that requires an individual convicted of a felony to have his civil rights restored to become qualified for the job; and 9 copies of the following documents:

(A) forms, applications, and instructions provided to applicants and those denied or terminated from jobs or licenses based on their criminal record;

(B) forms, rules, and procedures that the agency employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification;

(C) memos, guidance, instructions to staff, scoring criteria and other materials used by the agency to evaluate the criminal histories of applicants, licensees, and employees; and

(D) forms and notices used to explain waiver, exemption and appeals procedures for denial, suspensions and terminations of employment or licensure based on criminal history.

(d) Each State agency shall participate in a review to determine the impact of the employment restrictions based on criminal records and the effectiveness of existing case-by-case review mechanisms. The information required under this subsection (d) shall be limited to the data and information in the possession of the State agency on the effective date of this amendatory Act of the 97th General Assembly. With respect to compliance with the requirements of this subsection (d), a State agency is under no obligation to collect additional data or information. For each occupation under the agency's jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before February 1, 2012, for the previous 2-year period, setting forth:

(1) the total number of people currently employed in the occupation whose employment or licensure required criminal history disclosure, background checks or restrictions;

(2) the number and percentage of individuals who underwent a criminal history background check;

(3) the number and percentage of individuals who were merely required to disclose their criminal history without a criminal history background check;

(4) the number and percentage of individuals who were found disqualified based on criminal history disclosure by the applicant;

(5) the number and percentage of individuals who were found disqualified based on a criminal history background check;

(6) the number and percentage of individuals who sought an exemption or waiver from the disqualification;

(7) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the first level of agency review (if multiple levels of review are available);

(8) the number and percentage of individuals who sought an exemption or waiver who were subsequently granted the exemption or waiver at the next level of agency review (if multiple levels of review are available);

(9) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal;

(10) the number and percentage of individuals who were denied an exemption or waiver at the final level of agency review, and then sought review through an administrative appeal and were then found qualified after such a review;

(11) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available;

(12) the number and percentage of individuals who were found disqualified where no waiver or exemption process is available and who sought administrative review and then were found qualified; and

(13) if the agency maintains records of active licenses or certifications, the executive agency shall provide the total number of employees in occupations subject to criminal history restrictions.

(e) (Blank).

(f) The Task Force shall report to the Governor and the General Assembly its findings, including recommendations as to any employment restrictions that are not reasonably related to public safety, by ~~July 1, 2013~~ ~~September 1, 2012~~.

(Source: P.A. 96-593, eff. 8-18-09; 96-1360, eff. 7-28-10; 97-501, eff. 8-23-11.)

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

Under the rules, the foregoing **Senate Bill No. 1338**, with House Amendments numbered 3 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1967

A bill for AN ACT concerning education.

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

House Amendment No. 4 to SENATE BILL NO. 1967

House Amendment No. 6 to SENATE BILL NO. 1967

Passed the House, as amended, May 29, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 4 TO SENATE BILL 1967

AMENDMENT NO. 4. Amend Senate Bill 1967 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3, 6.9, and 6.10 and adding Section 6.10A as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18

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of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government, a qualified rehabilitation facility, a qualified domestic violence shelter or service, or a qualified child advocacy center. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government, qualified rehabilitation facility, qualified domestic violence shelter or service, or qualified child advocacy center.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code.

"Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any child (1) from birth to age 26 including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or adjudicated child, or a child who lives with the member if such member is a court appointed guardian of the child or (2) age 19 or over who is mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child dependent). For the health plan only, the term "dependent" also includes (1) any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes and (2) any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes. A member requesting to cover any dependent must provide documentation as requested by the Department of Central Management Services and file with the Department any and all forms required by the Department.

(i) "Director" means the Director of the Illinois Department of Central Management Services or of any successor agency designated to administer this Act.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes (i) each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, (ii) each employee in the service of a qualified rehabilitation facility, (iii) each full-time employee in the service of a qualified domestic violence shelter or service, and (iv) each full-time employee in the service of a qualified child advocacy center, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; the Illinois Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not already joined the program. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of

Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

- (1) is not a "member" as defined in this Section; and
- (2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and

(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

- (1) is not a "member" or "dependent" as defined in this Section; and
- (2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) natural, step, adjudicated, or adopted child who is (i) under age 26, (ii) was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child).

(x) "Military leave" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, activation by the President of the United States, or any other training or duty in service to the United States Armed Forces.

(y) (Blank).

(z) "Community college benefit recipient" means a person who:

- (1) is not a "member" as defined in this Section; and
- (2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than, until July 1, 2012, an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than, until July 1, 2012, a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

"Community college benefit recipient" does not include:

(1) an individual who was a full-time employee of a community college district subject to Article VII of the Public Community College Act and who, prior to the effective date of this amendatory Act of the 97th General Assembly, (i) opted not to participate in the health benefits program provided by the community college district subject to Article VII of the Public Community College Act and (ii) is ineligible for benefits under the federal Medicare health insurance program (Title XVIII of the Social Security Act as added by P.L. 89-97, 89th Congress); or

(2) an individual receiving a monthly survivor's annuity under Article 15 of the Illinois Pension Code if the individual upon whom the annuity is based was (i) last employed by a community college subject to Article VII of the Public Community College Act and (ii) was not enrolled in the program established under Section 6.9 of this Act.

(aa) "Community college dependent beneficiary" means a person who:

- (1) is not a "member" or "dependent" as defined in this Section; and
- (2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) natural, step, adjudicated, or adopted child who is (i) under age 26, or (ii) age 19 or over and mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child).

(bb) "Qualified child advocacy center" means any Illinois child advocacy center and its administrative offices funded by the Department of Children and Family Services, as defined by the Children's

Advocacy Center Act (55 ILCS 80/), approved by the Director and participating in a program created under subsection (n) of Section 10.

(cc) "Community College Fiscal Board" means the board of trustees created under Section 6.10A of this Act.

(Source: P.A. 95-331, eff. 8-21-07; 95-632, eff. 9-25-07; 96-756, eff. 1-1-10; 96-1519, eff. 2-4-11.)
(5 ILCS 375/6.9)

Sec. 6.9. Health benefits for community college benefit recipients and community college dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1997 and this amendatory Act of the 97th General Assembly to establish a uniform program of health benefits for community college benefit recipients and their dependent beneficiaries under the administration of the Department of Central Management Services.

(b) Creation of program. Beginning July 1, 1999, the Department of Central Management Services shall be responsible for administering a program of health benefits for community college benefit recipients and community college dependent beneficiaries under this Section. The State Universities Retirement System and the boards of trustees of the various community college districts shall cooperate with the Department in this endeavor. Beginning July 1, 2012, this program shall include health benefits for community college benefit recipients and community college dependent beneficiaries subject to Article VII of the Public Community College Act.

(c) Eligibility. All community college benefit recipients and community college dependent beneficiaries shall be eligible to participate in the program established under this Section, without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the State Universities Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

(d) Coverage. The health benefit coverage provided under this Section shall be a program of health, dental, and vision benefits.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director at the direction of the Community College Fiscal Board shall determine the insurance rates and premiums for community college benefit recipients and community college dependent beneficiaries. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage. ~~These~~ The Director shall also determine premiums shall that ~~will~~ allow for the establishment of an actuarially sound reserve for this program.

Subject to the provisions of Section 6.10A, the ~~The~~ cost of health benefits under the program shall be paid as follows:

(1) For a community college benefit recipient, up to 75% of the total insurance rate shall be paid from the Community College Health Insurance Security Fund.

(2) The balance of the rate of insurance, including the entire premium for any coverage for community college dependent beneficiaries that has been elected, shall be paid by deductions authorized by the community college benefit recipient to be withheld from his or her monthly annuity or benefit payment from the State Universities Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the State Universities Retirement System by the community college benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the option of the board of trustees of the community college district, be paid to the State Universities Retirement System by the board of the community college district from which the community college benefit recipient retired. The State Universities Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(2) into the Community College Health Insurance Security Fund. These moneys shall not be considered assets of the State Universities Retirement System.

(f) Financing. All revenues arising from the administration of the health benefit program established under this Section shall be deposited into the Community College Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. The Community College Health Insurance Security Fund is not subject to administrative charges or charge backs, including, but not limited to, those authorized under Section 8h of the State Finance Act. Any interest earned on moneys in the Community College Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Community College Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs and the establishment of a program reserve. Beginning January 1, 1999, the Department of Central Management Services may make expenditures from the Community College Health Insurance Security Fund for those costs.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for community college benefit recipients and their community college dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the community college benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits. If made after the effective of this amendatory Act of the 97th General Assembly, these contracts or other arrangements for the provision of health benefits shall also provide that health benefits are not to be paid from moneys in the Fund if the Commission on Government Forecasting and Accountability determines that plan changes that it has approved under Section 6.10A have not been implemented.

(h) Continuation of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis. The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Other health benefit plans. A health benefit plan provided by a community college district (other than, until July 1, 2012, a community college district subject to Article VII of the Public Community College Act) under the terms of a collective bargaining agreement in effect on or prior to the effective date of this amendatory Act of 1997 shall continue in force according to the terms of that agreement, unless otherwise mutually agreed by the parties to that agreement and the affected retiree. A community college benefit recipient or community college dependent beneficiary whose coverage under such a plan expires shall be eligible to begin participating in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions.

(j) This Act does not prohibit any community college district from offering additional health benefits for its retirees or their dependents or survivors.

(Source: P.A. 90-497, eff. 8-18-97; 90-655, eff. 7-30-98.)

(5 ILCS 375/6.10)

Sec. 6.10. Contributions to the Community College Health Insurance Security Fund.

(a) Beginning January 1, 1999, every active contributor of the State Universities Retirement System (established under Article 15 of the Illinois Pension Code) who (1) is a full-time employee of a community college district (other than, until January 1, 2012, a community college district subject to Article VII of the Public Community College Act) or an association of community college boards and (2) is not an employee as defined in Section 3 of this Act shall make contributions toward the cost of community college annuitant and survivor health benefits at the rate of 0.50% of salary. Beginning on the effective date of this amendatory Act of the 97th General Assembly and until revised under Section 6.10A of this Act, these contributions shall be at the rate of 0.97% of salary. If revised under Section 6.10A, these contributions shall be at the rate set by the Community College Fiscal Board and approved by the Commission on Government Forecasting and Accountability as specified in Section 6.10A of this Act.

These contributions shall be deducted by the employer and paid to the State Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employees under Section 15-157 of the Illinois Pension Code. An employer may agree to pick up or pay the contributions required under this subsection on behalf of the employee; such contributions shall be deemed to have been paid by the employee.

The State Universities Retirement System shall promptly deposit all moneys collected under this subsection (a) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

(b) Beginning January 1, 1999, every community college district (other than, until January 1, 2012, a community college district subject to Article VII of the Public Community College Act) or association

of community college boards that is an employer under the State Universities Retirement System shall contribute toward the cost of the community college health benefits provided under Section 6.9 of this Act an amount equal to 0.50% of the salary paid to its full-time employees who participate in the State Universities Retirement System and are not members as defined in Section 3 of this Act. Beginning on the effective date of this amendatory Act of the 97th General Assembly and until revised under Section 6.10A of this Act, these contributions shall be at the rate of 0.97% of salary. If revised under Section 6.10A, these contributions shall be at the rate set by the Community College Fiscal Board and approved by the Commission on Government Forecasting and Accountability as specified in Section 6.10A of this Act.

These contributions shall be paid by the employer to the State Universities Retirement System as service agent for the Department of Central Management Services. The System may use the same processes for collecting the contributions required by this subsection that it uses to collect the contributions received from those employers under Section 15-155 of the Illinois Pension Code.

The State Universities Retirement System shall promptly deposit all moneys collected under this subsection (b) into the Community College Health Insurance Security Fund created in Section 6.9 of this Act. The moneys collected under this Section shall be used only for the purposes authorized in Section 6.9 of this Act and shall not be considered to be assets of the State Universities Retirement System. Contributions made under this Section are not transferable to other pension funds or retirement systems and are not refundable upon termination of service.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Community College Health Insurance Security Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Community College Health Insurance Security Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(b-5) On or before March 30, 2012, a community college district subject to Article VII of the Public Community College Act shall contribute an amount equal to \$7,800,000 toward the cost of the community college health benefits provided under Section 6.9 of this Act. The contribution shall be in addition to any percentage of salary contribution paid pursuant to subsection (b) of Section 6.10 of this Act.

(b-10) On or before September 1, 2012, a community college district subject to Article VII of the Public Community College Act shall contribute an amount equal to 3 times the product resulting from multiplying (i) the difference between the fiscal year 2013 per annuitant cost of the community college health benefits provided under Section 6.9 of this Act and the fiscal year 2013 per annuitant premium paid by the annuitant by (ii) the number of annuitants enrolled in the community college health benefits program under Section 6.9 of this Act who became annuitants on or before the effective date of this amendatory date of the 97th General Assembly and who, prior to that date, opted not to participate in the health benefits program provided by the community college district subject to Article VII of the Public Community College Act. The calculation of the contribution created under this subsection (b-10) shall be subject to review and approval by the Commission on Governmental Forecasting and Accountability.

(c) On or before November 15 of each year, the Board of Trustees of the State Universities Retirement System shall certify to the Governor, the Director of Central Management Services, and the State Comptroller its estimate of the total amount of contributions to be paid under subsection (a) of this Section for the next fiscal year. Beginning in fiscal year 2008, the amount certified shall be decreased or increased each year by the amount that the actual active employee contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous fiscal year. The State Universities Retirement System shall calculate the amount of actual active employee contributions in fiscal years 1999 through 2005. Based upon this calculation, the fiscal year 2008 certification shall include an amount equal to the cumulative amount that the actual active employee contributions either fell short of or exceeded the estimate used by the Board in making the certification for those fiscal years. The certification shall include a detailed explanation of the methods and information that the Board relied upon in preparing its estimate. As soon as possible after the effective date of this Section, the

Board shall submit its estimate for fiscal year 1999.

(d) Beginning in fiscal year 1999 and through June 30, 2011, on the first day of each month, or as soon thereafter as may be practical, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund 1/12 of the annual amount appropriated for that fiscal year to the State Comptroller for deposit into the Community College Health Insurance Security Fund under Section 1.4 of the State Pension Funds Continuing Appropriation Act.

(d-1) In fiscal year 2012, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund an amount equal to the annual amount that was transferred from the General Revenue Fund to the Community College Health Insurance Security Fund under subsection (d) of this Section in fiscal year 2011.

(d-2) In fiscal year 2013, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund: (i) \$600,000 and (ii) an amount equal to two-thirds of the annual amount transferred from the General Revenue Fund to the Community College Health Insurance Security Fund under subsection (d-1) of this Section.

(d-3) In fiscal year 2014, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the Community College Health Insurance Security Fund: (i) \$600,000 and (ii) an amount equal to one-third of the annual amount transferred from the General Revenue Fund to the Community College Health Insurance Security Fund under subsection (d-1) of this Section.

(e) Except where otherwise specified in this Section, the definitions that apply to Article 15 of the Illinois Pension Code apply to this Section.

(Source: P.A. 94-839, eff. 6-6-06; 95-632, eff. 9-25-07.)

(5 ILCS 375/6.10A new)

Sec. 6.10A. Community College Fiscal Board.

(a) The Community College Fiscal Board is hereby created and shall consist of the following 8 members appointed as follows:

(1) 3 trustees shall be appointed by the organization that represents the largest number of community college trustees;

(2) one trustee shall be appointed by the organization that represents the largest number of community college employees;

(3) one trustee shall be appointed by the organization that represents the second largest number of community college employees;

(4) one trustee shall be appointed by an organization that represents community college benefit recipients;

(5) one trustee who is a professional fiduciary with experience in the area of collectively bargained retiree health plans shall be appointed by the Illinois Community College Board; and

(6) one trustee shall be appointed by a community college district subject to Article VII of the Public Community College Act.

Trustees shall serve until a successor has been appointed and qualified or until resignation, death, incapacity, or disqualification.

Any person appointed as a trustee of the Community College Fiscal Board shall qualify by taking an oath of office that he or she will diligently and honestly administer the affairs of the Community College Health Insurance Security Fund and will not knowingly violate or willfully permit the violation of any of the provisions of law applicable to the Fund. Each trustee shall cast individual votes, and a majority vote shall be final and binding upon all interested parties.

(b) The Community College Fiscal Board shall make an annual assessment of the funding levels of the Community College Health Insurance Security Fund and shall submit a report to the Commission on Government Forecasting and Accountability at least 90 days before the end of fiscal year 2011, or as soon thereafter as is possible, and, again, at least 90 days before the end of each fiscal year thereafter. The report shall provide the following:

(1) the actuarial present value of projected benefits expected to be paid to current and future community college benefit recipients and community college dependent beneficiaries;

(2) the actuarial present value of projected contributions and other income; and

(3) an assessment of whether the actuarial present value of projected benefits expected to be paid to those benefit recipients and their dependents exceeds or is less than the actuarial present value of projected contributions and other income.

If the actuarial present value of projected benefits expected to be paid to these current and future community college benefit recipients and community college dependent beneficiaries exceeds the actuarial present value of projected contributions and other income, then the report shall provide a plan

that will (i) be implemented over a period of not more than 5 years from each valuation date and (ii) make the actuarial present value of projected contributions and other income equal to or exceed the actuarial present value of projected benefits expected to be paid to current and future community college benefit recipients and community college dependent beneficiaries. The plan may consist of increases in contribution levels, decreases in benefit levels, or other plan changes or any combination thereof. If the actuarial present value of projected benefits expected to be paid to current and future community college benefit recipients and community college dependent beneficiaries is less than the actuarial present value of projected contributions and other income, then the report may provide a plan of decreases, to the extent of the surplus, in contribution levels, increases in benefit levels, other plan changes, or any combination thereof.

(c) The Commission on Government Forecasting and Accountability shall review the report and plan provided in subsection (b) and issue a determination within 90 days after receiving the report and plan, with a copy of the determination provided to the General Assembly and to the Community College Fiscal Board, as follows:

(1) In the event of a projected shortfall, if the Commission on Government Forecasting and Accountability determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of increases in contribution levels, decreases in benefit levels, other plan changes, or any combination thereof to be implemented over a period of not more than 5 years from each valuation date is reasonably projected to make the actuarial present value of projected contributions and other income plus assets equal to or in excess of the actuarial present value of projected benefits expected to be paid to current and future community college benefit recipients and community college dependent beneficiaries, then the Community College Fiscal Board shall implement the plan. If the Commission on Government Forecasting and Accountability determines that the assumptions stated in the report are unreasonable in the aggregate, or that the plan of increases in contribution levels, decreases in benefit levels, or other plan changes to be implemented over a period of not more than 5 years from each valuation date are not reasonably projected to make the actuarial present value of projected contributions and other income plus assets equal to or in excess of the actuarial present value of projected benefits expected to be paid to current and future community college benefit recipients and community college dependent beneficiaries, then the Community College Fiscal Board shall not implement the plan, the Commission on Government Forecasting and Accountability shall explain the basis for that determination to the Community College Fiscal Board, and the Commission on Government Forecasting and Accountability may make recommendations as to an alternative report and plan.

(2) In the event of a projected surplus, if the Commission on Government Forecasting and Accountability determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of decreases in contribution levels, increases in benefit levels, or both are not unreasonable in the aggregate, then the Community College Fiscal Board shall implement the plan. If the Commission on Government Forecasting and Accountability determines that the assumptions stated in the report are unreasonable in the aggregate, or that the plan of decreases in contribution levels, increases in benefit levels, or both are unreasonable in the aggregate, then the Community College Fiscal Board shall not implement the plan, the Commission on Government Forecasting and Accountability shall explain the basis for such determination to the Community College Fiscal Board, and the Commission on Government Forecasting and Accountability may make recommendations as to an alternative report and plan.

(3) The Community College Fiscal Board shall submit an alternative report and plan within 45 days after receiving a rejection determination by the Commission on Government Forecasting and Accountability. A determination by the Commission on Government Forecasting and Accountability on any alternative report and plan submitted by the Community College Fiscal Board shall be made within 90 days after receiving the alternative report and plan and shall be accepted or rejected according to the requirements of this subsection. The Community College Fiscal Board shall continue to submit alternative reports and plans to the Commission on Government Forecasting and Accountability, as necessary, until a favorable determination is made by the Commission on Government Forecasting and Accountability.

Section 90. The State Mandates Act is amended by adding Section 8.35 as follows:

(30 ILCS 805/8.35 new)

Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 97th General Assembly.

Section 93. The Public Community College Act is amended by changing Sections 2-16.02, 3-27.1, and 6-4 as follows:

(110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

Sec. 2-16.02. Grants. Any community college district that maintains a community college recognized by the State Board shall receive, when eligible, grants enumerated in this Section. Funded semester credit hours or other measures or both as specified by the State Board shall be used to distribute grants to community colleges. Funded semester credit hours shall be defined, for purposes of this Section, as the greater of (1) the number of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year or (2) the average of semester credit hours, or equivalent, in all funded instructional categories of students who have been certified as being in attendance at midterm during the respective terms of the base fiscal year and the 2 prior fiscal years. For purposes of this Section, "base fiscal year" means the fiscal year 2 years prior to the fiscal year for which the grants are appropriated. Such students shall have been residents of Illinois and shall have been enrolled in courses that are part of instructional program categories approved by the State Board and that are applicable toward an associate degree or certificate. Courses that are eligible for reimbursement are those courses for which the district pays 50% or more of the program costs from unrestricted revenue sources, with the exception of courses offered by contract with the Department of Corrections in correctional institutions. For the purposes of this Section, "unrestricted revenue sources" means those revenues in which the provider of the revenue imposes no financial limitations upon the district as it relates to the expenditure of the funds. Base operating grants shall be paid based on rates per funded semester credit hour or equivalent calculated by the State Board for funded instructional categories using cost of instruction, enrollment, inflation, and other relevant factors. A portion of the base operating grant shall be allocated on the basis of non-residential gross square footage of space maintained by the district.

Equalization grants shall be calculated by the State Board by determining a local revenue factor for each district by: (A) adding (1) each district's Corporate Personal Property Replacement Fund allocations from the base fiscal year or the average of the base fiscal year and prior year, whichever is less, divided by the applicable statewide average tax rate to (2) the district's most recently audited year's equalized assessed valuation or the average of the most recently audited year and prior year, whichever is less, (B) then dividing by the district's audited full-time equivalent resident students for the base fiscal year or the average for the base fiscal year and the 2 prior fiscal years, whichever is greater, and (C) then multiplying by the applicable statewide average tax rate. The State Board shall calculate a statewide weighted average threshold by applying the same methodology to the totals of all districts' Corporate Personal Property Tax Replacement Fund allocations, equalized assessed valuations, and audited full-time equivalent district resident students and multiplying by the applicable statewide average tax rate. The difference between the statewide weighted average threshold and the local revenue factor, multiplied by the number of full-time equivalent resident students, shall determine the amount of equalization funding that each district is eligible to receive. A percentage factor, as determined by the State Board, may be applied to the statewide threshold as a method for allocating equalization funding. A minimum equalization grant of an amount per district as determined by the State Board shall be established for any community college district which qualifies for an equalization grant based upon the preceding criteria, but becomes ineligible for equalization funding, or would have received a grant of less than the minimum equalization grant, due to threshold prorations applied to reduce equalization funding. As of July 1, ~~2012~~ ~~2004~~, a community college district must maintain a minimum required combined in-district tuition and universal fee rate per semester credit hour equal to 70% ~~85%~~ of the State-average combined rate, as determined by the State Board, or the total revenue received by the community college district from combined in-district tuition and universal fees must be at least 30% of the total revenue received by the community college district, as determined by the State Board, for equalization funding. As of July 1, 2004, a community college district must maintain a minimum required operating tax rate equal to at least 95% of its maximum authorized tax rate to qualify for equalization funding. This 95% minimum tax rate requirement shall be based upon the maximum operating tax rate as limited by the Property Tax Extension Limitation Law.

The State Board shall distribute such other grants as may be authorized or appropriated by the General Assembly.

Each community college district entitled to State grants under this Section must submit a report of its enrollment to the State Board not later than 30 days following the end of each semester, quarter, or term in a format prescribed by the State Board. These semester credit hours, or equivalent, shall be certified by each district on forms provided by the State Board. Each district's certified semester credit hours, or equivalent, are subject to audit pursuant to Section 3-22.1.

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The State Board shall certify, prepare, and submit monthly vouchers to the State Comptroller setting forth an amount equal to one-twelfth of the grants approved by the State Board for base operating grants and equalization grants. The State Board shall prepare and submit to the State Comptroller vouchers for payments of other grants as appropriated by the General Assembly. If the amount appropriated for grants is different from the amount provided for such grants under this Act, the grants shall be proportionately reduced or increased accordingly.

For the purposes of this Section, "resident student" means a student in a community college district who maintains residency in that district or meets other residency definitions established by the State Board, and who was enrolled either in one of the approved instructional program categories in that district, or in another community college district to which the resident's district is paying tuition under Section 6-2 or with which the resident's district has entered into a cooperative agreement in lieu of such tuition.

For the purposes of this Section, a "full-time equivalent" student is equal to 30 semester credit hours.

The Illinois Community College Board Contracts and Grants Fund is hereby created in the State Treasury. Items of income to this fund shall include any grants, awards, endowments, or like proceeds, and where appropriate, other funds made available through contracts with governmental, public, and private agencies or persons. The General Assembly shall from time to time make appropriations payable from such fund for the support, improvement, and expenses of the State Board and Illinois community college districts.

(Source: P.A. 96-911, eff. 7-1-10.)

(110 ILCS 805/3-27.1) (from Ch. 122, par. 103-27.1)

Sec. 3-27.1. Contracts. To award all contracts for purchase of supplies, materials or work involving an expenditure in excess of \$25,000 or a lower amount as required by board policy to the lowest responsible bidder considering conformity with specifications, terms of delivery, quality, and serviceability; after due advertisement, except the following: (a) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (b) contracts for the printing of finance committee reports and departmental reports; (c) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (d) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (e) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (f) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software, and services; (g) contracts for duplicating machines and supplies; (h) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (i) purchases of equipment previously owned by some entity other than the district itself; (j) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility; (k) contracts for goods or services procured from another governmental agency; (l) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; and (m) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board.

All competitive bids for contracts involving an expenditure in excess of \$25,000 or a lower amount as required by board policy must be sealed by the bidder and must be opened by a member or employee of the board at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of such bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. Electronic bid submissions shall be considered a sealed document for competitive bid requests if they are received at the designated office by the time and date set for receipt for bids. However, bids for construction purposes are prohibited from being submitted electronically. Electronic bid submissions must be authorized by specific language in the bid documents in order to be considered and must be opened in accordance with electronic security measures in effect at the community college at the time of opening. Unless the electronic submission procedures provide for a secure receipt, the vendor assumes the risk of premature disclosure due to submission in an unsealed form.

The provisions of this Section do not apply to guaranteed energy savings contracts entered into under Article V-A. The provisions of this Section do not prevent a community college from complying with the terms and conditions of a grant, gift, or bequest that calls for the procurement of a particular good or service or the use of a particular contractor, provided that the grant, gift, or bequest provides the majority funding for the contract.

(Source: P.A. 95-990, eff. 10-3-08; 96-380, eff. 8-13-09.)

(110 ILCS 805/6-4) (from Ch. 122, par. 106-4)

Sec. 6-4. Variable rates and fees. Any community college district, by resolution of the board, may establish variable tuition rates and fees for students attending its college in an amount not to exceed, until the effective date of this amendatory Act of the 97th General Assembly and beginning again 3 years after the effective date of this amendatory Act of the 97th General Assembly, 1/3 of the per capita cost as defined in Section 6-2, provided that voluntary contributions, as defined in Section 65 of the Higher Education Student Assistance Act, shall not be included in any calculation of community college tuition and fee rates for the purpose of this Section.

(Source: P.A. 90-14, eff. 7-1-97.)

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

AMENDMENT NO. 6 TO SENATE BILL 1967

AMENDMENT NO. 6. Amend Senate Bill 1967, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by changing Section 35 as follows:

(110 ILCS 947/35)

Sec. 35. Monetary award program.

(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. Subject to a separate appropriation for such purposes, an applicant is eligible for a grant under this Section when the Commission finds that the applicant:

(1) is a resident of this State and a citizen or permanent resident of the United States; and

(2) in the absence of grant assistance, will be deterred by financial considerations from completing an educational program at the qualified institution of his or her choice.

(b) The Commission shall award renewals only upon the student's application and upon the Commission's finding that the applicant:

(1) has remained a student in good standing;

(2) remains a resident of this State; and

(3) is in a financial situation that continues to warrant assistance.

(c) All grants shall be applicable only to tuition and necessary fee costs. The Commission shall determine the grant amount for each student, which shall not exceed the smallest of the following amounts:

(1) subject to appropriation, \$5,468 for fiscal year 2009, \$5,968 for fiscal year 2010, and \$6,468 for fiscal year 2011 and each fiscal year thereafter, or such lesser amount as the Commission finds to be available, during an academic year;

(2) the amount which equals 2 semesters or 3 quarters tuition and other necessary fees required generally by the institution of all full-time undergraduate students; or

(3) such amount as the Commission finds to be appropriate in view of the applicant's financial resources.

Subject to appropriation, the maximum grant amount for students not subject to subdivision (1) of this subsection (c) must be increased by the same percentage as any increase made by law to the maximum grant amount under subdivision (1) of this subsection (c).

"Tuition and other necessary fees" as used in this Section include the customary charge for instruction and use of facilities in general, and the additional fixed fees charged for specified purposes, which are required generally of nongrant recipients for each academic period for which the grant applicant actually enrolls, but do not include fees payable only once or breakage fees and other contingent deposits which are refundable in whole or in part. The Commission may prescribe, by rule not inconsistent with this Section, detailed provisions concerning the computation of tuition and other necessary fees.

(d) No applicant, including those presently receiving scholarship assistance under this Act, is eligible for monetary award program consideration under this Act after receiving a baccalaureate degree or the

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equivalent of 135 semester credit hours of award payments.

(e) The Commission, in determining the number of grants to be offered, shall in no instance assume greater monetary award program funding than the program received during the previous fiscal year. The Commission shall also, in determining the number of grants to be offered, take into consideration past experience with the rate of grant funds unclaimed by recipients. The Commission shall notify applicants that grant assistance is contingent upon the availability of appropriated funds.

(e-5) In the event that appropriations in any fiscal year prove insufficient to fulfill those monetary award program grants awarded by the Commission through notification, the Commission shall utilize necessary prorating equally between the fall and spring academic semesters.

(f) The Commission may request appropriations for deposit into the Monetary Award Program Reserve Fund. Monies deposited into the Monetary Award Program Reserve Fund may be expended exclusively for one purpose: to make Monetary Award Program grants to eligible students. Amounts on deposit in the Monetary Award Program Reserve Fund may not exceed 2% of the current annual State appropriation for the Monetary Award Program.

The purpose of the Monetary Award Program Reserve Fund is to enable the Commission each year to assure as many students as possible of their eligibility for a Monetary Award Program grant and to do so before commencement of the academic year. Moneys deposited in this Reserve Fund are intended to enhance the Commission's management of the Monetary Award Program, minimizing the necessity, magnitude, and frequency of adjusting award amounts and ensuring that the annual Monetary Award Program appropriation can be fully utilized.

(g) The Commission shall determine the eligibility of and make grants to applicants enrolled at qualified for-profit institutions in accordance with the criteria set forth in this Section. The eligibility of applicants enrolled at such for-profit institutions shall be limited as follows:

(1) Beginning with the academic year 1997, only to eligible first-time freshmen and first-time transfer students who have attained an associate degree.

(2) Beginning with the academic year 1998, only to eligible freshmen students, transfer students who have attained an associate degree, and students who receive a grant under paragraph (1) for the academic year 1997 and whose grants are being renewed for the academic year 1998.

(3) Beginning with the academic year 1999, to all eligible students.

(Source: P.A. 95-917, eff. 8-26-08.)

Section 99. Effective date. This Act takes effect July 1, 2012."

Under the rules, the foregoing **Senate Bill No. 1967**, with House Amendments numbered 4 and 6, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3458

A bill for AN ACT concerning criminal law.

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

House Amendment No. 2 to SENATE BILL NO. 3458

Passed the House, as amended, May 29, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3458

AMENDMENT NO. 2. Amend Senate Bill 3458 on page 1, by replacing lines 4 and 5 with the following:

"Section 3. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-345 as follows:

(20 ILCS 2605/2605-345 new)

Sec. 2605-345. Conviction information for financial institutions. Upon the request of (i) an insured depository institution, as defined by the Federal Deposit Insurance Corporation Act, (ii) a depository institution holding company, as defined by the Federal Deposit Insurance Corporation Act, (iii) a foreign

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banking corporation, as defined by the Foreign Banking Office Act, (iv) a corporate fiduciary, as defined by the Corporate Fiduciary Act, (v) a credit union, as defined in the Illinois Credit Union Act, or (vi) a subsidiary of any entity listed in items (i) through (v) of this Section (each such entity or subsidiary hereinafter referred to as a "requesting institution"), to ascertain whether any employee of the requesting institution, applicant for employment by the requesting institution, or officer, director, agent, institution-affiliated party, or any other party who owns or controls, directly or indirectly, or participates, directly or indirectly, in the affairs of the requesting institution, has been convicted of a felony or of any criminal offense relating to dishonesty, breach of trust, or money laundering, the Department shall furnish the conviction information to the requesting institution.

Section 5. The Criminal Identification Act is amended by changing Sections 3, 5.2, and 13 as follows:
(20 ILCS 2630/3) (from Ch. 38, par. 206-3)

Sec. 3. Information to be furnished peace officers and commanding officers of certain military installations in Illinois.

(A) The Department shall file or cause to be filed all plates, photographs, outline pictures, measurements, descriptions and information which shall be received by it by virtue of its office and shall make a complete and systematic record and index of the same, providing thereby a method of convenient reference and comparison. The Department shall furnish, upon application, all information pertaining to the identification of any person or persons, a plate, photograph, outline picture, description, measurements, or any data of which there is a record in its office. Such information shall be furnished to peace officers of the United States, of other states or territories, of the Insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois, to investigators of the Illinois Law Enforcement Training Standards Board and, conviction information only, to units of local government, school districts, and private organizations, and requesting institutions as defined in Section 2605-345 of the Department of State Police Law under the provisions of Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-345, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the Department of State Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500, 2605/2605-525, or 2605/2605-550). Applications shall be in writing and accompanied by a certificate, signed by the peace officer or chief administrative officer or his designee making such application, to the effect that the information applied for is necessary in the interest of and will be used solely in the due administration of the criminal laws or for the purpose of evaluating the qualifications and character of employees, prospective employees, volunteers, or prospective volunteers of units of local government, school districts, and private organizations, or for the purpose of evaluating the character of persons who may be granted or denied access to municipal utility facilities under Section 11-117.1-1 of the Illinois Municipal Code.

For the purposes of this subsection, "chief administrative officer" is defined as follows:

- a) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.
- b) The manager of a village or, if a village does not employ a manager, the president of the village.
- c) The chairman or president of a county board or, if a county has adopted the county executive form of government, the chief executive officer of the county.
- d) The president of the school board of a school district.
- e) The supervisor of a township.
- f) The official granted general administrative control of a special district, an authority, or organization of government establishment by law which may issue obligations and which either may levy a property tax or may expend funds of the district, authority, or organization independently of any parent unit of government.
- g) The executive officer granted general administrative control of a private organization defined in Section 2605-335 of the Department of State Police Law (20 ILCS 2605/2605-335).

(B) Upon written application and payment of fees authorized by this subsection, State agencies and units of local government, not including school districts, are authorized to submit fingerprints of employees, prospective employees and license applicants to the Department for the purpose of obtaining conviction information maintained by the Department and the Federal Bureau of Investigation about such persons. The Department shall submit such fingerprints to the Federal Bureau of Investigation on behalf of such agencies and units of local government. The Department shall charge an application fee, based on actual costs, for the dissemination of conviction information pursuant to this subsection. The Department is empowered to establish this fee and shall prescribe the form and manner for requesting and furnishing conviction information pursuant to this subsection.

(C) Upon payment of fees authorized by this subsection, the Department shall furnish to the commanding officer of a military installation in Illinois having an arms storage facility, upon written request of such commanding officer or his designee, and in the form and manner prescribed by the Department, all criminal history record information pertaining to any individual seeking access to such a storage facility, where such information is sought pursuant to a federally-mandated security or criminal history check.

The Department shall establish and charge a fee, not to exceed actual costs, for providing information pursuant to this subsection.

(Source: P.A. 94-480, eff. 1-1-06.); and

on page 32, by inserting immediately below line 25 the following:

"The Board may only authorize the sealing of Class 3 and 4 felony convictions of the petitioner from one information or indictment under this paragraph (10). A petitioner may only receive one certificate of eligibility for sealing under this provision for life."

Under the rules, the foregoing **Senate Bill No. 3458**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3727

A bill for AN ACT concerning health regulation.

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

House Amendment No. 1 to SENATE BILL NO. 3727

Passed the House, as amended, May 29, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3727

AMENDMENT NO. 1. Amend Senate Bill 3727 on page 14, line 2, by deleting "for inspections done and".

Under the rules, the foregoing **Senate Bill No. 3727**, with House Amendment No. 1, was referred to the Secretary's Desk.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 798

Offered by Senator Harmon and all Senators:

Mourns the death of Iola McGowan of Chicago.

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

COMMUNICATION FROM THE MINORITY LEADER

[May 29, 2012]

CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER · 41st DISTRICT

May 29, 2012

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

Dear Mr. Secretary:

RE: House Bill 5823

Please correct my vote on HB 5823, my intention was to vote no.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

cc: Assistant Secretary of the Senate Scott Kaiser

At the hour of 7:05 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 30, 2012, at 11:00 o'clock a.m.

[May 29, 2012]