



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

42ND LEGISLATIVE DAY

MONDAY, MAY 18, 2015

3:12 O'CLOCK P.M.

SENATE
Daily Journal Index
42nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator Don Harmon, Oak Park, Illinois, presiding.
 Prayer by Pastor Shaun Lewis, Civil Servant Ministries, Springfield, Illinois.
 Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 14, 2015, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

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:

Committee Amendment No. 1 to House Bill 1121
 Committee Amendment No. 1 to House Bill 3234
 Committee Amendment No. 1 to House Bill 4006
 Committee Amendment No. 2 to House Bill 4006

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

Floor Amendment No. 2 to House Bill 417
 Floor Amendment No. 3 to House Bill 735
 Floor Amendment No. 1 to House Bill 821
 Floor Amendment No. 3 to House Bill 1516
 Floor Amendment No. 4 to House Bill 1516
 Floor Amendment No. 2 to House Bill 2462
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 Floor Amendment No. 3 to House Bill 2640
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 Floor Amendment No. 3 to House Bill 3332
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 Floor Amendment No. 1 to House Bill 3444
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 Floor Amendment No. 1 to House Bill 3895
 Floor Amendment No. 1 to House Bill 3932
 Floor Amendment No. 2 to House Bill 3983
 Floor Amendment No. 1 to House Bill 3988
 Floor Amendment No. 3 to House Bill 4029

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

Floor Amendment No. 2 to Senate Bill 276

The following Committee amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

[May 18, 2015]

Committee Amendment No. 1 to Senate Resolution 330

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

- Floor Amendment No. 1 to Senate Resolution 175
- Floor Amendment No. 2 to Senate Resolution 517

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 15, 2015

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee and 3rd reading deadlines to May 31, 2015, for the following Senate Bills:

1, 4, 5, 6, 14, 17, 19, 22, 31, 33, 37, 40, 61, 65, 69, 70, 71, 72, 80, 81, 83, 88, 89, 97, 102, 103, 104, 112, 113, 115, 141, 157, 160, 162, 163, 164, 165, 184, 194, 203, 210, 211, 212, 218, 219, 221, 222, 225, 227, 228, 251, 258, 259, 275, 276, 278, 279, 280, 281, 282, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 343, 375, 380, 381, 382, 383, 399, 400, 416, 419, 420, 432, 433, 434, 435, 436, 439, 440, 441, 451, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 500, 504, 506, 510, 511, 512, 513, 514, 565, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 602, 624, 652, 656, 657, 660, 662, 675, 676, 682, 685, 686, 687, 690, 700, 707, 711, 713, 714, 717, 734, 743, 753, 754, 755, 756, 757, 758, 762, 765, 766, 767, 768, 769, 770, 771, 772, 774, 779, 798, 802, 803, 817, 839, 846, 860, 868, 879, 884, 885, 891, 892, 898, 904, 921, 923, 924, 925, 927, 933, 949, 955, 964, 978, 979, 981, 983, 987, 994, 1005, 1009, 1013, 1014, 1030, 1041, 1046, 1047, 1049, 1058, 1060, 1061, 1069, 1077, 1083, 1084, 1094, 1095, 1111, 1127, 1128, 1136, 1137, 1138, 1144, 1159, 1162, 1168, 1175, 1176, 1184, 1198, 1204, 1211, 1212, 1221, 1235, 1238, 1248, 1250, 1254, 1260, 1263, 1270, 1273, 1279, 1280, 1282, 1283, 1284, 1285, 1291, 1293, 1299, 1302, 1313, 1315, 1323, 1324, 1325, 1326, 1327, 1329, 1330, 1331, 1332, 1333, 1341, 1342, 1343, 1355, 1356, 1359, 1365, 1368, 1371, 1379, 1382, 1390, 1391, 1394, 1402, 1403, 1413, 1423, 1425, 1432, 1439, 1441, 1450, 1452, 1456, 1461, 1464, 1475, 1476, 1480, 1485, 1489, 1490, 1491, 1503, 1509, 1510, 1511, 1512, 1513, 1514, 1519, 1522, 1563, 1566, 1567, 1568, 1569, 1570, 1585, 1587, 1593, 1597, 1599, 1602, 1604, 1611, 1627, 1632, 1633, 1634, 1635, 1637, 1638, 1639, 1640, 1642, 1655, 1656, 1660, 1672, 1675, 1681, 1682, 1685, 1687, 1691, 1713, 1715, 1716, 1719, 1723, 1725, 1733, 1737, 1744, 1784, 1787, 1788, 1789, 1790, 1794, 1795, 1796, 1828, 1831, 1832, 1836, 1844, 1852, 1853, 1857, 1858, 1862, 1864, 1867, 1868, 1878, 1879, 1880, 1881, 1883, 1889, 1890, 1891, 1900, 1901, 1903, 1904, 1920, 1933, 1940, and 1943.

In addition, I hereby extend the committee deadline to May 31, 2015, for the following House Bills:

113, 170, 175, 178, 229, 248, 264, 303, 397, 1121, 2919, 3121, 3215, 3529, 3549, 3680, 3683, 3761, 3765, 3749, 3823, 3933, 4006 and 4122.

s/John J. Cullerton

[May 18, 2015]

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 18, 2015

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee deadline to May 31, 2015 for House Bill 3234.

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

cc: Senate Republican Leader Christine Radogno

MESSAGE FROM THE GOVERNOR

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

BRUCE RAUNER
GOVERNOR

May 15, 2015

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

Mr. President,

On March 3, 2015, appointment message 990072 nominating Gregory Bassi to be Secretary of the Illinois Department of Human Services was delivered to your Honorable Body. As of the date of this letter, it is my understanding that the Senate has not taken action on this nomination.

Please be advised that, the Appointment Message, for which concurrence in and confirmation of your Honorable Body was sought, is hereby withdrawn, effective at 11:59 PM on Sunday, May 17, 2015.

Sincerely,
s/Bruce Rauner
Bruce Rauner

[May 18, 2015]

Governor

cc: The Honorable Jesse White, Secretary of State

PRESENTATION OF RESOLUTIONS**SENATE RESOLUTION NO. 549**

Offered by Senator Harmon and all Senators:
Mourns the death of Leroy W. "Sonny" Jackson.

SENATE RESOLUTION NO. 550

Offered by Senator Rose and all Senators:
Mourns the death of John Thomas "Tom" Meachum.

SENATE RESOLUTION NO. 551

Offered by Senator Lightford and all Senators:
Mourns the death of Hattie Pearl Bradford.

SENATE RESOLUTION NO. 552

Offered by Senator Althoff and all Senators:
Mourns the death of Daniel J. Kanaly.

SENATE RESOLUTION NO. 553

Offered by Senator Althoff and all Senators:
Mourns the death of Barbara Swaim "Bobbie" Reece of Crystal Lake.

SENATE RESOLUTION NO. 554

Offered by Senator Hunter and all Senators:
Mourns the death of Tracie McCain Hankins.

SENATE RESOLUTION NO. 555

Offered by Senator Sullivan and all Senators:
Mourns the death of James R. "Jim" Weisenborn of Quincy.

SENATE RESOLUTION NO. 556

Offered by Senator Bertino-Tarrant and all Senators:
Mourns the death of Madeleine Gail Allen of Wheaton.

SENATE RESOLUTION NO. 558

Offered by Senator McConnaughay and all Senators:
Mourns the death of Lee Barrett.

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

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

SENATE RESOLUTION NO. 557

WHEREAS, On May 17, 1954, the United States Supreme Court issued the landmark ruling in *Brown v. Board of Education of Topeka, Kansas*, declaring unconstitutional any and all laws that established or maintained segregation in schools; and

WHEREAS, In 1957, in response to the ruling, 9 African-American students, working with the National Association for the Advancement of Colored People (NAACP), registered to attend Little Rock Central

[May 18, 2015]

High School; dubbed "The Little Rock Nine", they were denied entry to the school by Arkansas Governor Orval Faubus, who ordered the Arkansas National Guard deployed to deny the students access; and

WHEREAS, The Little Rock Nine were escorted into the school by the United States Army's 101st Airborne Division as ordered by President Dwight D. Eisenhower; the students encountered abuse and persecution at the hands of whites, but, in the end, enforced their civil rights by taking a stand for justice and equality; they have gone on to live lives dedicated to the proposition that racist ideology will not dictate educational policies and practices now or in the future; and

WHEREAS, The Little Rock Nine are: Dr. Melba Pattillo Beals, Elizabeth Eckford, Gloria Ray Karlmark, Ernest Green, Carlotta Walls LaNier, Dr. Terrence J. Roberts, Jefferson Thomas, Minnijean Brown Trickey, and Thelma Mothershed Wair; together they support The Little Rock Nine Foundation, which advances the ideals of justice and equal opportunity for all; and

WHEREAS, The many honors received by The Little Rock Nine include the NAACP's Spingarn Medal (1957), The Congressional Gold Medal of Honor (1999), a commemorative United States postage stamp (2005), and a commemorative 50th anniversary one-dollar coin issued by the U.S. Mint (2007); and

WHEREAS, The Abraham Lincoln Presidential Library Foundation has named The Little Rock Nine as its 2015 Lincoln Leadership Prize Recipients; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize The Little Rock Nine and the dedication they have shown to the advancement of civil rights; and be it further

RESOLVED, That we declare May 19, 2015 as The Little Rock Nine Day; and be it further

RESOLVED, That a suitable copy of this resolution be presented to The Little Rock Nine as an expression of our esteem and respect.

INTRODUCTION OF BILLS

SENATE BILL NO. 2133. Introduced by Senator Noland, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 2134. Introduced by Senator Manar, a bill for AN ACT concerning transportation.

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

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. 837

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 837

Passed the House, as amended, May 14, 2015.

TIMOTHY D. MAPES, Clerk of the House

[May 18, 2015]

AMENDMENT NO. 1 TO SENATE BILL 837

AMENDMENT NO. 1. Amend Senate Bill 837 by replacing everything after the enacting clause with the following:

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

(5 ILCS 80/4.26)

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

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

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

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

~~The Illinois Physical Therapy Act.~~

The Professional Geologist Licensing Act.

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

(5 ILCS 80/4.36 new)

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

The Illinois Physical Therapy Act.

Section 10. The Illinois Physical Therapy Act is amended by changing Sections 1, 8, 12, and 16.2 and by adding Sections 2.5, 19.5, and 31.5 as follows:

(225 ILCS 90/1) (from Ch. 111, par. 4251)

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

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means all of the following:

(A) Examining, evaluating, and testing individuals who may have mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other health and movement-related conditions, classifying these disorders, determining a rehabilitation prognosis and plan of therapeutic intervention, and assessing the on-going effects of the interventions.

(B) Alleviating impairments, functional limitations, or disabilities by designing, implementing, and modifying therapeutic interventions that may include, but are not limited to, the evaluation or treatment of a person through the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air and use of therapeutic massage, therapeutic exercise, mobilization, and rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental impairment, functional limitation, or disability.

(C) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness.

(D) Engaging in administration, consultation, education, and research.

Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists, advanced practice nurses, physician assistants, and podiatric physicians, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is either prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, the patient's advanced practice nurse, the patient's physician assistant, or the patient's dentist or used following the physician's orders or written instructions, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, advanced practice nurse, physician assistant, dentist, ~~or~~ podiatric physician, other physical therapist, or other health care provider any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Board" means the Physical Therapy Licensing and Disciplinary Board approved by the Director.

(6) "Referral" means a written or oral authorization for physical therapy services for a patient by a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician who maintains medical supervision of the patient and makes a diagnosis or verifies that the patient's condition is such that it may be treated by a physical therapist.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, advanced practice nurse, physician assistant, or podiatric physician, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist, advanced practice nurse, physician assistant, or podiatric physician.

(8) "State" includes:

(a) the states of the United States of America;

(b) the District of Columbia; and

(c) the Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, or the planning or major modification of patient programs.

(10) "Physical therapy aide" means a person who has received on the job training, specific to the facility in which he is employed, ~~but who has not completed an approved physical therapist assistant program.~~

(11) "Advanced practice nurse" means a person licensed under the Nurse Practice Act who has a collaborative agreement with a collaborating physician that authorizes referrals to physical therapists.

(12) "Physician assistant" means a person licensed under the Physician Assistant Practice Act of 1987 who has been delegated authority to make referrals to physical therapists.

(Source: P.A. 98-214, eff. 8-9-13.)

(225 ILCS 90/2.5 new)

(Section scheduled to be repealed on January 1, 2026)

Sec. 2.5. Unlicensed practice; violation; civil penalty.

(a) In addition to any other penalty provided by law, any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a physical therapist or assistant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(225 ILCS 90/8) (from Ch. 111, par. 4258)

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

Sec. 8. Qualifications for licensure as a Physical Therapist.

(a) A person is qualified to receive a license as a physical therapist if that person has applied in writing, on forms prescribed by the Department, has paid the required fees, and meets all of the following requirements:

(1) He or she is at least 21 48 years of age and of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to a license.

(2) He or she has graduated from a curriculum in physical therapy approved by the Department. In approving a curriculum in physical therapy, the Department shall consider, but not be bound by, accreditation by the Commission on Accreditation in Physical Therapy Education. A person who graduated from a physical therapy program outside the United States or its territories shall have his or her degree validated as equivalent to a physical therapy degree conferred by a regionally accredited

college or university in the United States. The Department may establish by rule a method for the completion of course deficiencies.

(3) He or she has passed an examination approved by the Department to determine his fitness for practice as a physical therapist, or is entitled to be licensed without examination as provided in Sections 10 and 11 of this Act. A person who graduated from a physical therapy program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule prior to taking the licensure examination.

(b) The Department reserves the right and may request a personal interview of an applicant before the Board to further evaluate his or her qualifications for a license.

(Source: P.A. 94-651, eff. 1-1-06.)

(225 ILCS 90/12) (from Ch. 111, par. 4262)

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

Sec. 12. Examinations. The Department shall examine applicants for licenses as physical therapists or physical therapist assistants at such times and places as it may determine. At least 2 written examinations shall be given during each calendar year for both physical therapists and physical therapist assistants. The examination shall be approved by the Department.

Following notification of eligibility for examination, an applicant who fails to take the examination for a license under this Act within 60 days of the notification or on the next available exam date, if no exam is held within 60 days of the notification, shall forfeit his or her fee and his or her right to practice as a physical therapist or physical therapist assistant until such time as the applicant has passed the appropriate examination. Any applicant failing the examination three times in any jurisdiction will not be allowed to sit for another examination until the applicant has presented satisfactory evidence to the Board of appropriate remedial work as set forth in the rules and regulations.

If an applicant neglects, fails or refuses to take an examination or fails to pass an examination for a license or otherwise fails to complete the application process under this Act within 3 years after filing his application, the application shall be denied. However, such applicant may make a new application for examination accompanied by the required fee, and must furnish proof of meeting qualifications for examination in effect at the time of new application.

(Source: P.A. 94-651, eff. 1-1-06.)

(225 ILCS 90/16.2)

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

Sec. 16.2. Deposit of fees and fines; appropriations. All fees, penalties, and fines collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be -All moneys in the Fund shall be used by the Department of Professional Regulation, as appropriated to the Department ; for the ordinary and contingent expenses of the Department in the administration of this Act.

(Source: P.A. 89-387, eff. 1-1-96.)

(225 ILCS 90/19.5 new)

(Section scheduled to be repealed on January 1, 2026)

Sec. 19.5. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary of the Department, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 90/31.5 new)

(Section scheduled to be repealed on January 1, 2026)

Sec. 31.5. Suspension of license for failure to pay restitution. The Department, without further process or hearing, shall suspend the license or other authorization to practice of any person issued under this Act who has been certified by court order as not having paid restitution to a person under Section 8A-3.5 of the Illinois Public Aid Code or under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or the Criminal Code of 2012. A person whose license or other authorization to practice is suspended under this Section is prohibited from practicing until the restitution is made in full.

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

[May 18, 2015]

Under the rules, the foregoing **Senate Bill No. 837**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 1205

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 1205

Passed the House, as amended, May 14, 2015.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1205

AMENDMENT NO. 1. Amend Senate Bill 1205 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-15 as follows:

(20 ILCS 2105/2105-15)

Sec. 2105-15. General powers and duties.

(a) The Department has, subject to the provisions of the Civil Administrative Code of Illinois, the following powers and duties:

(1) To authorize examinations in English to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which the examination is held.

(2) To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations.

(3) To pass upon the qualifications of applicants for licenses, certificates, and authorities, whether by examination, by reciprocity, or by endorsement.

(4) To prescribe rules and regulations defining, for the respective professions, trades, and occupations, what shall constitute a school, college, or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college, or university, or department of a university, or other institution, reputable and in good standing, by reference to a compliance with those rules and regulations; provided, that no school, college, or university, or department of a university, or other institution that refuses admittance to applicants solely on account of race, color, creed, sex, or national origin shall be considered reputable and in good standing.

(5) To conduct hearings on proceedings to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations and to revoke, suspend, refuse to renew, place on probationary status, or take other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates, or authorities. The Department shall issue a monthly disciplinary report. The Department shall deny any license or renewal authorized by the Civil Administrative Code of Illinois to any person who has defaulted on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State; however, the Department may issue a license or renewal if the aforementioned persons have established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, beginning June 1, 1996, any license issued by the Department may be suspended or revoked if the Department, after the opportunity for a hearing under the appropriate licensing Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan. For the purposes of this Section, "satisfactory repayment record" shall be defined by rule. The Department shall refuse to issue or renew a license to, or shall suspend or revoke a license of, any person who, after receiving notice,

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fails to comply with a subpoena or warrant relating to a paternity or child support proceeding. However, the Department may issue a license or renewal upon compliance with the subpoena or warrant.

The Department, without further process or hearings, shall revoke, suspend, or deny any license or renewal authorized by the Civil Administrative Code of Illinois to a person who is certified by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) as being more than 30 days delinquent in complying with a child support order or who is certified by a court as being in violation of the Non-Support Punishment Act for more than 60 days. The Department may, however, issue a license or renewal if the person has established a satisfactory repayment record as determined by the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) or if the person is determined by the court to be in compliance with the Non-Support Punishment Act. The Department may implement this paragraph as added by Public Act 89-6 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this paragraph shall be considered an emergency and necessary for the public interest, safety, and welfare.

(6) To transfer jurisdiction of any realty under the control of the Department to any other department of the State Government or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

(7) To formulate rules and regulations necessary for the enforcement of any Act administered by the Department.

(8) To exchange with the Department of Healthcare and Family Services information that may be necessary for the enforcement of child support orders entered pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or the Illinois Parentage Act of 1984. Notwithstanding any provisions in this Code to the contrary, the Department of Professional Regulation shall not be liable under any federal or State law to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under this paragraph (8) or for any other action taken in good faith to comply with the requirements of this paragraph (8).

(8.5) To accept continuing education credit for mandated reporter training on how to recognize and report child abuse offered by the Department of Children and Family Services and completed by any person who holds a professional license issued by the Department and who is a mandated reporter under the Abused and Neglected Child Reporting Act. The Department shall adopt any rules necessary to implement this paragraph.

(9) To perform other duties prescribed by law.

(a-5) Except in cases involving default on an educational loan or scholarship provided by or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State or in cases involving delinquency in complying with a child support order or violation of the Non-Support Punishment Act, no person or entity whose license, certificate, or authority has been revoked as authorized in any licensing Act administered by the Department may apply for restoration of that license, certification, or authority until 3 years after the effective date of the revocation.

(b) The Department may, when a fee is payable to the Department for a wall certificate of registration provided by the Department of Central Management Services, require that portion of the payment for printing and distribution costs be made directly or through the Department to the Department of Central Management Services for deposit into the Paper and Printing Revolving Fund. The remainder shall be deposited into the General Revenue Fund.

(c) For the purpose of securing and preparing evidence, and for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities, recoupment of investigative costs, and other activities directed at suppressing the misuse and abuse of controlled substances, including those activities set forth in Sections 504 and 508 of the Illinois Controlled Substances Act, the Director and agents appointed and authorized by the Director may expend sums from the Professional Regulation Evidence Fund that the Director deems necessary from the amounts appropriated for that purpose. Those sums may be advanced to the agent when the Director deems that procedure to be in the public interest. Sums for the purchase of controlled substances, professional services, and equipment necessary for enforcement activities and other activities as set forth in this Section shall be advanced to the agent who is to make the purchase from the Professional Regulation Evidence Fund on vouchers signed by the Director. The Director and those agents are authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used for the purposes set forth in this Section; provided, that no check may be written nor any withdrawal made from any such account except upon the

written signatures of 2 persons designated by the Director to write those checks and make those withdrawals. Vouchers for those expenditures must be signed by the Director. All such expenditures shall be audited by the Director, and the audit shall be submitted to the Department of Central Management Services for approval.

(d) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

(e) The provisions of this Section do not apply to private business and vocational schools as defined by Section 15 of the Private Business and Vocational Schools Act of 2012.

(f) Beginning July 1, 1995, this Section does not apply to those professions, trades, and occupations licensed under the Real Estate License Act of 2000, nor does it apply to any permits, certificates, or other authorizations to do business provided for in the Land Sales Registration Act of 1989 or the Illinois Real Estate Time-Share Act.

(g) Notwithstanding anything that may appear in any individual licensing statute or administrative rule, the Department shall deny any license application or renewal authorized under any licensing Act administered by the Department to any person who has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirement of any such tax Act are satisfied; however, the Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Department of Revenue. For the purpose of this Section, "satisfactory repayment record" shall be defined by rule.

In addition, a complaint filed with the Department by the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the amount of the unpaid tax liability or the years for which a return was not filed, or both, is prima facie evidence of the licensee's failure to comply with the tax laws administered by the Illinois Department of Revenue. Upon receipt of that certification, the Department shall, without a hearing, immediately suspend all licenses held by the licensee. Enforcement of the Department's order shall be stayed for 60 days. The Department shall provide notice of the suspension to the licensee by mailing a copy of the Department's order by certified and regular mail to the licensee's last known address as registered with the Department. The notice shall advise the licensee that the suspension shall be effective 60 days after the issuance of the Department's order unless the Department receives, from the licensee, a request for a hearing before the Department to dispute the matters contained in the order.

Any suspension imposed under this subsection (g) shall be terminated by the Department upon notification from the Illinois Department of Revenue that the licensee is in compliance with all tax laws administered by the Illinois Department of Revenue.

The Department shall promulgate rules for the administration of this subsection (g).

(h) The Department may grant the title "Retired", to be used immediately adjacent to the title of a profession regulated by the Department, to eligible retirees. For individuals licensed under the Medical Practice Act of 1987, the title "Retired" may be used in the profile required by the Patients' Right to Know Act. The use of the title "Retired" shall not constitute representation of current licensure, registration, or certification. Any person without an active license, registration, or certificate in a profession that requires licensure, registration, or certification shall not be permitted to practice that profession.

(i) Within 180 days after December 23, 2009 (the effective date of Public Act 96-852), the Department shall promulgate rules which permit a person with a criminal record, who seeks a license or certificate in an occupation for which a criminal record is not expressly a per se bar, to apply to the Department for a non-binding, advisory opinion to be provided by the Board or body with the authority to issue the license or certificate as to whether his or her criminal record would bar the individual from the licensure or certification sought, should the individual meet all other licensure requirements including, but not limited to, the successful completion of the relevant examinations.

(Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14; 98-850, eff. 1-1-15.)

Section 10. The Patients' Right to Know Act is amended by changing Section 10 as follows:
(225 ILCS 61/10)

Sec. 10. Physician profiles. The Department shall make available to the public a profile of each physician. The Department shall make this information available through an Internet web site and, if

requested, in writing. Except as otherwise provided in this Section, the The physician profile shall contain the following information:

- (1) the full name of the physician;
- (2) a description of any criminal convictions for felonies and Class A misdemeanors, as determined by the Department, within the most recent 10 years. For the purposes of this Section, a person shall be deemed to be convicted of a crime if he or she pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction;
- (3) a description of any final Department disciplinary actions within the most recent 10 years;
- (4) a description of any final disciplinary actions by licensing boards in other states within the most recent 10 years;
- (5) a description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent 10 years shall be disclosed by the Department to the public;
- (6) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment was awarded to a complaining party during the most recent 10 years and all settlements of medical malpractice claims in which a payment was made to a complaining party within the most recent 10 years. A medical malpractice judgment or award that has been appealed shall be identified prominently as "Under Appeal" on the profile within 20 days of formal written notice to the Department. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing in this subdivision (6) shall be construed to limit or prevent the Disciplinary Board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the Department to the public. Nothing in this subdivision (6) shall be construed to prevent the Disciplinary Board from investigating and the Department from disciplining a physician on the basis of medical malpractice claims that are pending;
- (7) names of medical schools attended, dates of attendance, and date of graduation;
- (8) graduate medical education;
- (9) specialty board certification. The toll-free number of the American Board of Medical Specialties shall be included to verify current board certification status;
- (10) number of years in practice and locations;
- (11) names of the hospitals where the physician has privileges;
- (12) appointments to medical school faculties and indication as to whether a physician has a responsibility for graduate medical education within the most recent 10 years;
- (13) information regarding publications in peer-reviewed medical literature within the most recent 10 years;
- (14) information regarding professional or community service activities and awards;
- (15) the location of the physician's primary practice setting;
- (16) identification of any translating services that may be available at the physician's primary practice location; and
- (17) an indication of whether the physician participates in the Medicaid program.

A physician who has retired from active practice may use the title "Retired" in his or her physician profile. If the physician uses that title in his or her profile, he or she is not required to provide office addresses and other practice specific information.

(Source: P.A. 97-280, eff. 8-9-11; 98-210, eff. 1-1-14.)

Section 15. The Nurse Practice Act is amended by changing Section 50-10 as follows:
(225 ILCS 65/50-10) (was 225 ILCS 65/5-10)

(Section scheduled to be repealed on January 1, 2018)

Sec. 50-10. Definitions. Each of the following terms, when used in this Act, shall have the meaning ascribed to it in this Section, except where the context clearly indicates otherwise:

"Academic year" means the customary annual schedule of courses at a college, university, or approved school, customarily regarded as the school year as distinguished from the calendar year.

"Advanced practice nurse" or "APN" means a person who has met the qualifications for a (i) certified nurse midwife (CNM); (ii) certified nurse practitioner (CNP); (iii) certified registered nurse anesthetist (CRNA); or (iv) clinical nurse specialist (CNS) and has been licensed by the Department. All advanced practice nurses licensed and practicing in the State of Illinois shall use the title APN and may use specialty credentials after their name.

"Approved program of professional nursing education" and "approved program of practical nursing education" are programs of professional or practical nursing, respectively, approved by the Department under the provisions of this Act.

"Board" means the Board of Nursing appointed by the Secretary.

"Collaboration" means a process involving 2 or more health care professionals working together, each contributing one's respective area of expertise to provide more comprehensive patient care.

"Consultation" means the process whereby an advanced practice nurse seeks the advice or opinion of another health care professional.

"Credentialed" means the process of assessing and validating the qualifications of a health care professional.

"Current nursing practice update course" means a planned nursing education curriculum approved by the Department consisting of activities that have educational objectives, instructional methods, content or subject matter, clinical practice, and evaluation methods, related to basic review and updating content and specifically planned for those nurses previously licensed in the United States or its territories and preparing for reentry into nursing practice.

"Dentist" means a person licensed to practice dentistry under the Illinois Dental Practice Act.

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

"Hospital affiliate" means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. For the purposes of this definition, "control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health maintenance organization regulated under the Health Maintenance Organization Act.

"Impaired nurse" means a nurse licensed under this Act who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish his or her ability to deliver competent patient care.

"License-pending advanced practice nurse" means a registered professional nurse who has completed all requirements for licensure as an advanced practice nurse except the certification examination and has applied to take the next available certification exam and received a temporary license from the Department.

"License-pending registered nurse" means a person who has passed the Department-approved registered nurse licensure exam and has applied for a license from the Department. A license-pending registered nurse shall use the title "RN lic pend" on all documentation related to nursing practice.

"Physician" means a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.

"Podiatric physician" means a person licensed to practice podiatry under the Podiatric Medical Practice Act of 1987.

"Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act and practices practical nursing as defined in this Act. Only a practical nurse licensed under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N."

"Practical nursing" means the performance of nursing acts requiring the basic nursing knowledge, judgement, and skill acquired by means of completion of an approved practical nursing education program. Practical nursing includes assisting in the nursing process as delegated by a registered professional nurse or an advanced practice nurse. The practical nurse may work under the direction of a licensed physician, dentist, podiatric physician, or other health care professional determined by the Department.

"Privileged" means the authorization granted by the governing body of a healthcare facility, agency, or organization to provide specific patient care services within well-defined limits, based on qualifications reviewed in the credentialing process.

"Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under this Act and practices nursing as defined in this Act. Only a registered nurse licensed under

this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N."

"Registered professional nursing practice" is a scientific process founded on a professional body of knowledge; it is a learned profession based on the understanding of the human condition across the life span and environment and includes all nursing specialties and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved professional nursing education program. A registered professional nurse provides holistic nursing care through the nursing process to individuals, groups, families, or communities, that includes but is not limited to: (1) the assessment of healthcare needs, nursing diagnosis, planning, implementation, and nursing evaluation; (2) the promotion, maintenance, and restoration of health; (3) counseling, patient education, health education, and patient advocacy; (4) the administration of medications and treatments as prescribed by a physician licensed to practice medicine in all of its branches, a licensed dentist, a licensed podiatric physician, or a licensed optometrist or as prescribed by a physician assistant in accordance with written guidelines required under the Physician Assistant Practice Act of 1987 or by an advanced practice nurse in accordance with Article 65 of this Act; (5) the coordination and management of the nursing plan of care; (6) the delegation to and supervision of individuals who assist the registered professional nurse implementing the plan of care; and (7) teaching nursing students. The foregoing shall not be deemed to include those acts of medical diagnosis or prescription of therapeutic or corrective measures.

"Professional assistance program for nurses" means a professional assistance program that meets criteria established by the Board of Nursing and approved by the Secretary, which provides a non-disciplinary treatment approach for nurses licensed under this Act whose ability to practice is compromised by alcohol or chemical substance addiction.

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

"Unencumbered license" means a license issued in good standing.

"Written collaborative agreement" means a written agreement between an advanced practice nurse and a collaborating physician, dentist, or podiatric physician pursuant to Section 65-35.
(Source: P.A. 97-813, eff. 7-13-12; 98-214, eff. 8-9-13.)

Section 20. The Physician Assistant Practice Act of 1987 is amended by changing Section 4 as follows:
(225 ILCS 95/4) (from Ch. 111, par. 4604)

(Section scheduled to be repealed on January 1, 2018)

Sec. 4. In this Act:

1. "Department" means the Department of Financial and Professional Regulation.
2. "Secretary" means the Secretary of Financial and Professional Regulation.
3. "Physician assistant" means any person who has been certified as a physician assistant by the National Commission on the Certification of Physician Assistants or equivalent successor agency and performs procedures under the supervision of a physician as defined in this Act. A physician assistant may perform such procedures within the specialty of the supervising physician, except that such physician shall exercise such direction, supervision and control over such physician assistants as will assure that patients shall receive quality medical care. Physician assistants shall be capable of performing a variety of tasks within the specialty of medical care under the supervision of a physician. Supervision of the physician assistant shall not be construed to necessarily require the personal presence of the supervising physician at all times at the place where services are rendered, as long as there is communication available for consultation by radio, telephone or telecommunications within established guidelines as determined by the physician/physician assistant team. The supervising physician may delegate tasks and duties to the physician assistant. Delegated tasks or duties shall be consistent with physician assistant education, training, and experience. The delegated tasks or duties shall be specific to the practice setting and shall be implemented and reviewed under a written supervision agreement established by the physician or physician/physician assistant team. A physician assistant, acting as an agent of the physician, shall be permitted to transmit the supervising physician's orders as determined by the institution's by-laws, policies, procedures, or job description within which the physician/physician assistant team practices. Physician assistants shall practice only in accordance with a written supervision agreement.
4. "Board" means the Medical Licensing Board constituted under the Medical Practice Act of 1987.
5. "Disciplinary Board" means the Medical Disciplinary Board constituted under the Medical Practice Act of 1987.
6. "Physician" means, for purposes of this Act, a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987.
7. "Supervising Physician" means, for the purposes of this Act, the primary supervising physician of a physician assistant, who, within his specialty and expertise may delegate a variety of tasks and procedures

to the physician assistant. Such tasks and procedures shall be delegated in accordance with a written supervision agreement. The supervising physician maintains the final responsibility for the care of the patient and the performance of the physician assistant.

8. "Alternate supervising physician" means, for the purpose of this Act, any physician designated by the supervising physician to provide supervision in the event that he or she is unable to provide that supervision. The Department may further define "alternate supervising physician" by rule.

The alternate supervising physicians shall maintain all the same responsibilities as the supervising physician. Nothing in this Act shall be construed as relieving any physician of the professional or legal responsibility for the care and treatment of persons attended by him or by physician assistants under his supervision. Nothing in this Act shall be construed as to limit the reasonable number of alternate supervising physicians, provided they are designated by the supervising physician.

9. "Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file maintained by the Department's licensure maintenance unit. It is the duty of the applicant or licensee to inform the Department of any change of address, and such changes must be made either through the Department's website or by contacting the Department's licensure maintenance unit.

10. "Hospital affiliate" means a corporation, partnership, joint venture, limited liability company, or similar organization, other than a hospital, that is devoted primarily to the provision, management, or support of health care services and that directly or indirectly controls, is controlled by, or is under common control of the hospital. For the purposes of this definition, "control" means having at least an equal or a majority ownership or membership interest. A hospital affiliate shall be 100% owned or controlled by any combination of hospitals, their parent corporations, or physicians licensed to practice medicine in all its branches in Illinois. "Hospital affiliate" does not include a health maintenance organization regulated under the Health Maintenance Organization Act.

(Source: P.A. 96-268, eff. 8-11-09; 97-1071, eff. 8-24-12.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 15 and 20 take effect on January 1, 2016."

Under the rules, the foregoing **Senate Bill No. 1205**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1249

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 1249

Passed the House, as amended, May 14, 2015.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1249

AMENDMENT NO. 1. Amend Senate Bill 1249 as follows:

on page 1, line 9, after "with", by inserting "co-occurring mental illness and"; and

on page 1, by replacing lines 18 through 21, with the following: "offer choice to all individuals with serious mental illness or co-occurring mental illness and substance use disorders or conditions who choose to live in the community, and for whom the community is the appropriate setting, including those ~~but are~~ at risk of institutional care, the Office of".

Under the rules, the foregoing **Senate Bill No. 1249**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

[May 18, 2015]

Mr. Mapes, Clerk:

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

SENATE BILL NO. 67

A bill for AN ACT concerning liquor.

SENATE BILL NO. 82

A bill for AN ACT concerning education.

SENATE BILL NO. 659

A bill for AN ACT concerning State government.

SENATE BILL NO. 834

A bill for AN ACT concerning health.

SENATE BILL NO. 1255

A bill for AN ACT concerning State government.

SENATE BILL NO. 1424

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1484

A bill for AN ACT concerning government.

Passed the House, May 14, 2015.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 1571

A bill for AN ACT concerning health.

SENATE BILL NO. 1589

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1603

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1610

A bill for AN ACT concerning human rights.

SENATE BILL NO. 1620

A bill for AN ACT concerning motor vehicle theft.

Passed the House, May 15, 2015.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 52

WHEREAS, The Illinois Public Agenda for College and Career Success has documented the critical role higher education plays in economic recovery and growth, particularly in ensuring the State has an educated workforce to meet the needs of business and industry; and

WHEREAS, The Illinois Public Agenda for College and Career Success recommends that the Board of Higher Education, in consultation with other State agencies for education, employment, and economic development, "increase the number of high-quality postsecondary credentials to meet the demands of the economy and an increasingly global society"; and

WHEREAS, Illinois has committed to the goal that 60% of its workforce will hold a high-quality college credential by 2025 to ensure its economic future; and

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WHEREAS, Most recent projections from the Georgetown University Center on Education and the Workforce are that 70% of Illinois jobs will require postsecondary education by 2020; and

WHEREAS, Currently, only 42.5% of the State's nearly 7 million working-age adults between the ages of 25 and 64 years hold at least a 2-year college degree; and

WHEREAS, There is a critical need for Illinois institutions of higher education to increase the number of postsecondary degrees in fields of critical skills shortages, such as healthcare, construction, computer technology, public safety, and mechanical fields; and

WHEREAS, Illinois' economic success requires providing college credentials aligned with current and future workforce needs at the State and regional levels; and

WHEREAS, Achieving workforce needs depends upon additional strategic State investment in higher education, along with improvements in the efficiency and effectiveness of the higher education system; and

WHEREAS, Working age adults attempting to return to school to complete certificates and degrees in high-demand fields face many barriers to success; and

WHEREAS, The Illinois Council of Community College Presidents has recommended that the community college system be allowed to grant 4-year baccalaureate degrees for nursing and other applied career areas; and

WHEREAS, The development of postsecondary degree programs should be predicated on evidence of the needs of Illinois residents rather than institutional interests; and

WHEREAS, The Board of Higher Education has the statutory authority and responsibility to review all applications for new academic degree programs for public community colleges and universities; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Board of Higher Education establish a Higher Education Commission on the Future of the Workforce; and be it further

RESOLVED, That the Commission shall be comprised of 11 members, including one senator appointed by the President of the Senate, one senator appointed by the Minority Leader of the Senate, one representative appointed by the Speaker of the House of Representatives, one representative appointed by the Minority Leader of the House of Representatives, and the remaining 7 members appointed by the Board of Higher Education to represent a cross-section of the education, employment, and economic development communities, as well as experts in quality postsecondary degree creation; and be it further

RESOLVED, That the Board of Higher Education shall provide administrative support to the Commission; and be it further

RESOLVED, That the Commission's study shall include, but not be limited to the following:

- (1) examining and analyzing current and projected workforce needs for each economic region of the State and postsecondary degree and credential production capacity and goals;
- (2) identifying State, regional, and national partners available to support efficient and effective delivery of postsecondary credential and degree programs aligned with regional workforce needs;
- (3) determining current policies and practices in Illinois being utilized among Illinois' public and private colleges and universities for partnerships for degree completion;
- (4) examining opportunities for expanding postsecondary certificates and associate and baccalaureate completions using effective and efficient strategies and partnerships among high schools, technical schools, community colleges, and 4-year colleges and universities;
- (5) developing distance and online learning, as well as competency-based credits to

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serve place-bound and adult learners, including military personnel and veterans;

(6) examining incentives for students to enter and complete degree programs in critical-needs areas, particularly aimed at underemployed and displaced workers;

(7) examining improvements in student advising, including articulation, transfer, and acceptance of credits to streamline the education pipeline to the workforce;

(8) providing incentives, including financial assistance, for working adults and individuals with substantial college credit, but no degree, to complete college degrees;

(9) analyzing best practices implemented in other states for incentivizing certificate and degree completion, including incentives for students and for colleges and universities; and be it further

RESOLVED, That the Commission shall report to the General Assembly and the Governor 6 months from the formation of the Commission; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the chairperson of the Board of Higher Education, the chairperson of the Illinois Community College Board, the chairperson of the State Board of Education, the chairperson of the Illinois Student Assistance Commission, the chairperson of the Employment Security Advisory Board, and the president of each public and private college and university in the State.

Adopted by the House, April 28, 2015.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 52 was referred to the Committee on Assignments.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 837

POSTING NOTICES WAIVED

Senator Cunningham moved to waive the six-day posting requirement on **House Bill No. 2919** so that the measure may be heard in the Committee on Criminal Law that is scheduled to meet May 19, 2015.

The motion prevailed.

Senator Haine moved to waive the six-day posting requirement on **House Bill No. 4006** so that the measure may be heard in the Committee on Judiciary that is scheduled to meet May 19, 2015.

The motion prevailed.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Hunter, **House Bill No. 2755** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2755

AMENDMENT NO. 1. Amend House Bill 2755 as follows:

on page 30, by replacing lines 18 and 19 with "the administrator, the DD Facility Advisory Board established under Section 2-204 of the ID/DD Community Care Act, the residents"; and

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on page 48, line 10, by replacing "MC/DD" with "DD"; and

on page 48, line 11, by replacing "this Act" with "the ID/DD Community Care Act"; and

by deleting line 12 on page 48 through line 18 on page 50; and

on page 116, line 16, by replacing "this Act" with "the ID/DD Community Care Act"; and

by replacing line 10 on page 292 through line 4 on page 293 with the following:

"(3.5) Skilled and intermediate care facilities licensed under the ID/DD Community Care Act or the MC/DD Act. ~~(A)~~ No permit or exemption is required for a facility licensed under the ID/DD Community Care Act or the MC/DD Act prior to the reduction of the number of beds at a facility. If there is a total reduction of beds at a facility licensed under the ID/DD Community Care Act or the MC/DD Act, this is a discontinuation or closure of the facility. If a facility licensed under the ID/DD Community Care Act or the MC/DD Act reduces the number of beds or discontinues the facility, that facility must notify the Board as provided in Section 14.1 of this Act."; and

on page 560, line 11, after "Act", by inserting "and MC/DD facilities licensed under the MC/DD Act"; and

by deleting line 18 on page 560 through line 1 on page 561.

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

On motion of Senator Connelly, **House Bill No. 2781** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2781

AMENDMENT NO. 1. Amend House Bill 2781 by replacing line 14 on page 3 through line 22 on page 4 with the following:

"(a) The State Board of Education shall establish and maintain, for implementation in selected school districts during the 2015-2016, 2016-2017, and 2017-2018 school years, a pilot program for use of electronic-learning (e-learning) days, as described in this Section. The State Superintendent of Education shall select up to 3 school districts for this program, at least one of which may be an elementary or unit school district. The use of e-learning days may not begin until the second semester of the 2015-2016 school year, and the pilot program shall conclude with the end of the 2017-2018 school year. On or before June 1, 2019, the State Board shall report its recommendation for expansion, revision, or discontinuation of the program to the Governor and General Assembly.

(b) The school board of a school district selected by the State Superintendent of Education under subsection (a) of this Section may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code. The research-based program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be submitted to the State Superintendent for approval on or before September 1st annually to ensure access for all students. The State Superintendent shall approve programs that ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners."

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

On motion of Senator Martinez, **House Bill No. 2791** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Connelly, **House Bill No. 2807** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Barickman, **House Bill No. 2823** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 2916** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 3093** having been printed, was taken up and read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3093

AMENDMENT NO. 1. Amend House Bill 3093 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-22.44 as follows:

(105 ILCS 5/10-22.44) (from Ch. 122, par. 10-22.44)

Sec. 10-22.44. To transfer the interest earned from any moneys of the district in the respective fund of the district that is most in need of such interest income, as determined by the board. This Section does not apply to any interest earned which has been earmarked or restricted by the board for a designated purpose. This Section does not apply to any interest earned on any funds for purposes of Illinois Municipal Retirement under the Pension Code, Tort Immunity under the Local Governmental and Governmental Employees Tort Immunity Act, Fire Prevention, Safety, Energy Conservation and School Security Purposes under Section 17-2.11, and Capital Improvements under Section 17-2.3. Interest earned on these exempted funds shall be used only for the purposes authorized for the respective exempted funds from which the interest earnings were derived.

Any high school district whose territory is in 2 counties and that is eligible for Section 8002 Federal Impact Aid may make a one-time declaration as to interest income (earnings on investments) not previously declared as such from 1998 through 2011 in the debt service fund, declaring said moneys as interest earnings on or before June 30, 2016. Any such earnings income so declared shall thereafter, for purposes of this Code, be considered interest earnings and shall be subject to all provisions of this Code related thereto.

(Source: P.A. 87-984.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Bennett, **House Bill No. 3102** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 3141** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 3143** was taken up, read by title a second time.

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

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

On motion of Senator Martinez, **House Bill No. 3152** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 3161** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3184** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3193** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 3197** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3197

AMENDMENT NO. 1. Amend House Bill 3197 on page 3, immediately below line 17, by inserting the following:

"(Q) An organization representing statewide programs actively involved in truancy intervention."

AMENDMENT NO. 2 TO HOUSE BILL 3197

AMENDMENT NO. 2. Amend House Bill 3197 on page 3, immediately below line 17, by inserting the following:

"(Q) A statewide association of local philanthropic organizations that advocates for effective educational, health, and human service policies to improve this State's communities.

(R) A statewide organization that advocates for partnerships among schools, families, and the community that provide access to support and remove barriers to learning and development, using schools as hubs."

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

On motion of Senator Manar, **House Bill No. 3229** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3231** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Assignments. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Brady, **House Bill No. 3240** was taken up, read by title a second time. Committee Amendment No. 1 was held in the Committee on Assignments. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Brady, **House Bill No. 3241** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3241

AMENDMENT NO. 1. Amend House Bill 3241 on page 1, by inserting after line 3 the following:

"Article 1."; and

on page 1, line 4 by changing "5." to "1-5."; and

on page 1, line 6 by changing "900" to "1-25"; and

on page 2, line 16 by changing "10." to "1-10."; and

on page 2, line 18 by changing "900" to "1-25"; and

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on page 4, line 3 by changing "15." to "1-15."; and
 on page 4, line 5 by changing "900" to "1-25"; and
 on page 6, line 3 by changing "20." to "1-20."; and
 on page 6, line 5 by changing "900" to "1-25"; and
 on page 8, line 8 by changing "900." to "1-25."; and
 on page 8, by inserting after line 15 the following:

"Article 5.

Section 5-5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Forest Preserve District of Will County, a forest preserve district organized and existing under the laws of the State of Illinois, of the County of Will, State of Illinois, for and in consideration of \$1 paid to said Department, a quit claim deed to the following described real property:

That part of the East Half of Section 20, the West Half of the Northwest Quarter of Section 21, and the Southwest Quarter of Section 21, all in Township 36 North, Range 10 East of the Third Principal Meridian, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of said Section 20; thence North 1 degree 40 minutes 18 seconds West along the West line of said Southeast Quarter 2,644.44 feet to the Northwest corner of said Southeast Quarter; thence North 1 degree 40 minutes 13 seconds West along the West line of the Northeast Quarter of said Section 20, a distance of 2,590.75 feet to the south right of way line of Renwick Road, said line being 49.70 feet South of the Northwest corner of the Northeast Quarter of said Section 20; thence North 87 degrees 54 minutes 14 seconds East along the South right of way line of said Renwick Road 2,655.93 feet to a point on the East line of said Northeast Quarter, said point being 49.70 feet South of the Northeast corner of said Northeast Quarter; thence North 87 degrees 57 minutes 37 seconds East along the said right of way line 1,327.15 feet to a point in the East line of the West Half of the Northwest Quarter of said Section 21, said point being 52.45 feet South of the Northeast corner of the West Half of said Northwest Quarter; thence South 1 degree 32 minutes 10 seconds East along the East line of the West Half of the Northwest Quarter of said Section 21, a distance of 2,593.09 feet to the Southeast corner of said West Half of the Northwest Quarter; thence North 87 degrees 55 minutes 32 seconds East along the South line of the East Half of said Northwest Quarter 1,325.91 feet to the Southeast corner of said Northwest Quarter; thence South 1 degree 30 minutes 24 seconds East along the East line of the Southwest Quarter of said Section 21, a distance of 2,643.12 feet to the Southeast corner of said Southwest Quarter; thence South 87 degrees 55 minutes 18 seconds West along the South line of the Southwest Quarter of said Section 21, a distance of 2,649.05 feet to the Southwest corner of said Southwest Quarter; thence South 87 degrees 56 minutes 41 seconds West along the South line of the Southeast Quarter of said Section 20, a distance of 2,646.26 feet to the Southwest corner of said Southeast Quarter and the Point of Beginning, all in Will County, Illinois.

Said parcel containing 558.461 acres, more or less, of which 3.039 acres, more or less, is in existing Right of Way, 555.422 acres, more or less, remaining.

Excepting therefrom:

Parcel 1

That part of the Southwest Quarter of Section 21, in Township 36 North, Range 10 East of the Third Principal Meridian, described as follows:

Beginning at the Southeast corner of the Southwest Quarter of said Section 21; thence South 87 degrees 55 minutes 18 seconds West along the South line of said Southwest Quarter 1979.53 feet; thence North 01 degree 32 minutes 13 seconds West, 1000.00 feet; thence North 87 degrees 55 minutes 18 seconds East 270.00 feet; thence North 01 degree 32 minutes 13 seconds West 893.22 feet; thence North 87 degrees 55 minutes 32 seconds East 985.00 feet; thence South 55 degrees 12 minutes 45 seconds East 900.12 feet to

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the East line of the Southwest Quarter of said Section 21; thence South 01 degrees 30 minutes 24 seconds East along the East line of the Southwest Quarter of said Section 21, a distance of 1353.12 feet to the Southeast corner of said Southwest Quarter and the Point of Beginning, all in Will County, Illinois. Said parcel containing 76.017 acres (3,311,320 square feet), more or less, of which 1.136 acres (49,488 square feet), more or less, is in existing right of way, 74.881 acres (3,261,832 square feet), more or less, remaining.

Also excepting therefrom:

Parcel 2

That part of the Southwest Quarter of Section 21, in Township 36 North, Range 10 East of the Third Principal Meridian, described as follows:

Beginning at the Northeast corner of the Southwest Quarter of said Section 21; thence South 01 degrees 30 minutes 24 seconds East along the East line of said Southwest Quarter 485.00 feet; thence North 62 degrees 01 minutes 34 seconds West, 718.90 feet; thence South 87 degrees 55 minutes 32 seconds West 700.00 feet to the West line of the East Half of the Southwest Quarter of said Section 21; thence North 01 degree 32 minutes 13 seconds West along said West line 125.00 feet to the Northwest corner of the East Half of the Southwest Quarter of said Section 21; thence North 87 degrees 55 minutes 32 seconds East along the North line of said Southwest Quarter 1325.91 feet to the Northeast corner of said Southwest Quarter and the Point of Beginning, all in Will County, Illinois. Said parcel containing 6.391 acres (278,380 square feet), more or less.

Section 5-10. The conveyances of real property authorized by Section 5-5 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record; and (2) the express condition that if said real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

Section 5-15. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

Article 10.

Section 10-5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Lockport Township Park District, a park district organized and existing under the laws of the State of Illinois, of the County of Will, State of Illinois, for and in consideration of \$1 paid to said Department, a quit claim deed to the following described real property:

Parcel 1

That part of the Southwest Quarter of Section 21, in Township 36 North, Range 10 East of the Third Principal Meridian, described as follows:

Beginning at the Southeast corner of the Southwest Quarter of said Section 21; thence South 87 degrees 55 minutes 18 seconds West along the South line of said Southwest Quarter 1979.53 feet; thence North 01 degree 32 minutes 13 seconds West, 1000.00 feet; thence North 87 degrees 55 minutes 18 seconds East 270.00 feet; thence North 01 degree 32 minutes 13 seconds West 893.22 feet; thence North 87 degrees 55 minutes 32 seconds East 985.00 feet; thence South 55 degrees 12 minutes 45 seconds East 900.12 feet to the East line of the Southwest Quarter of said Section 21; thence South 01 degrees 30 minutes 24 seconds East along the East line of the Southwest Quarter of said Section 21, a distance of 1353.12 feet to the Southeast corner of said Southwest Quarter and the Point of Beginning, all in Will County, Illinois. Said parcel containing 76.017 acres (3,311,320 square feet), more or less, of which 1.136 acres (49,488 square feet), more or less, is in existing right of way, 74.881 acres (3,261,832 square feet), more or less, remaining.

Parcel 2

That part of the Southwest Quarter of Section 21, in Township 36 North, Range 10 East of the Third Principal Meridian, described as follows:

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Beginning at the Northeast corner of the Southwest Quarter of said Section 21; thence South 01 degrees 30 minutes 24 seconds East along the East line of said Southwest Quarter 485.00 feet; thence North 62 degrees 01 minutes 34 seconds West, 718.90 feet; thence South 87 degrees 55 minutes 32 seconds West 700.00 feet to the West line of the East Half of the Southwest Quarter of said Section 21; thence North 01 degree 32 minutes 13 seconds West along said West line 125.00 feet to the Northwest corner of the East Half of the Southwest Quarter of said Section 21; thence North 87 degrees 55 minutes 32 seconds East along the North line of said Southwest Quarter 1325.91 feet to the Northeast corner of said Southwest Quarter and the Point of Beginning, all in Will County, Illinois.

Said parcel containing 6.391 acres (278,380 square feet), more or less.

Section 10-10. The conveyances of real property authorized by Section 10-5 shall be made subject to: (1) existing public utilities, existing public roads, and any and all reservations, easements, encumbrances, covenants and restrictions of record; and (2) the express condition that if said real property ceases to be used for public purposes, it shall revert to the State of Illinois, Department of Natural Resources.

Section 10-15. The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county in which the land is located.

Article 99."; and

on page 8, line 16 by changing "999." to "99-99."

AMENDMENT NO. 2 TO HOUSE BILL 3241

AMENDMENT NO. 2. Amend House Bill 3241 on page 8, by inserting after line 7 the following:

"Section 1-22. Upon the payment of the sum of \$134,667 to the State of Illinois, and subject to the condition set forth in Section 1-25 of this Act, the People of the State of Illinois hereby release the following described land located in DuPage County, Illinois from all dedication and easement rights, and interest acquired for highway purposes:

Parcel No. 1WY1153:

All of Tract 2 (now known as Oak Street) being part of the Southwest Quarter of Section 15, Township 39 North, Range 9 East of the Third Principal Meridian according to the Deed recorded July 27, 1932 as Document No. 327507 in DuPage County, Illinois, bearing based on the Illinois State Plane coordinate system, East Zone, NAD83 (2011 adjustment) further described as follows:

Commencing at the southeast corner of Leon Kroning's Assessment Plat according to the plat thereof Recorded October 30, 1978 as Document R78-104224 said corner being the intersection of the centerline of Roosevelt Road (IL-38) with the southerly extension of the centerline of Oak Street per said Subdivision; thence North 26 degrees 03 minutes 54 seconds East along said southerly extension 50.02 feet to the Point of Beginning, said point being in the north line of Roosevelt Road extended easterly; thence North 65 degrees 36 minutes 31 seconds West along said easterly extension 60.32 feet to the intersection of said north line extended with the west line of Oak Street; thence northeasterly 43.60 feet along said west line being a nontangent curve concave to the northwest having a radius of 28.25 feet and a chord which bears North 69 degrees 55 minutes 05 seconds East 39.40 feet; thence North 26 degrees 03 minutes 54 seconds East along said west line 200.82 feet, thence northwesterly 71.46 feet along said west line being a nontangent curve concave to the southwest having a radius of 35.00 and a chord which bears North 32 degrees 27 minutes 32 seconds West 59.68 feet to the intersection of said west line with the south line of Dayton Avenue per said subdivision; thence North 89 degrees 04 minutes 51 seconds East along the easterly extension of said south line 126.14 feet; thence easterly 37.70 feet along a tangent curve concave to the south having a radius of 296.94 feet and a chord which bears South 87 degrees 16 minutes 55 seconds East 37.67 feet to the point of cusp, said point being in the east line of Oak Street; thence southwesterly 70.70 feet along said east line being a curve

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concave to the southeast having a radius of 77.00 feet and a chord which bears South 52 degrees 14 minutes 09 seconds West 68.24 feet; thence South 26 degrees 03 minutes 54 seconds West along said east line 242.99 feet; thence southeasterly 39.95 feet along said easterly line being a nontangent curve concave to the northeast having a radius of 25.00 feet and a chord which bears South 20 degrees 00 minutes 52 seconds East 35.83 feet to the north line of Roosevelt Road; thence North 65 degrees 36 minutes 31 seconds West along the north line of Roosevelt Road extended westerly 58.84 feet to the Point of Beginning.
Said Parcel containing 0.489 acres, more or less."

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

On motion of Senator Collins, **House Bill No. 3268** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3299** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 3306** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McCarter, **House Bill No. 3311** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Manar, **House Bill No. 3324** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3333** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3333

AMENDMENT NO. 1. Amend House Bill 3333 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.866 as follows:
(30 ILCS 105/5.866 new)
Sec. 5.866. The Appraisal Management Company Recovery Fund.

Section 10. The Real Estate License Act of 2000 is amended by changing Section 10-45 as follows:
(225 ILCS 454/10-45)

(Section scheduled to be repealed on January 1, 2020)

Sec. 10-45. Broker price opinions and comparative market analyses.

(a) A broker price opinion or comparative market analysis may be prepared or provided by a real estate broker or managing broker for any of the following:

- (1) an existing or potential buyer or seller of an interest in real estate;
- (2) an existing or potential lessor or lessee of an interest in real estate;
- (3) a third party making decisions or performing due diligence related to the potential listing, offering, sale, option, lease, or acquisition price of an interest in real estate; or

(4) an existing or potential lienholder or other third party for any purpose other than as the primary basis to determine the market value of an interest in real estate for the purpose of a mortgage loan origination by a financial institution secured by such real estate.

(b) A broker price opinion or comparative market analysis shall be in writing either on paper or electronically and shall include the following provisions:

(1) a statement of the intended purpose of the broker price opinion or comparative market analysis;

(2) a brief description of the interest in real estate that is the subject of the broker price opinion or comparative market analysis;

(3) a brief description of the methodology used to develop the broker price opinion or

comparative market analysis;

(4) any assumptions or limiting conditions;

(5) a disclosure of any existing or contemplated interest of the broker or managing broker in the interest in real estate that is the subject of the broker price opinion or comparative market analysis;

(6) the name, license number, and signature of the broker or managing broker that developed the broker price opinion or comparative market analysis;

(7) a statement in substantially the following form:

"This is a broker price opinion/comparative market analysis, not an appraisal of the market value of the real estate, and was prepared by a licensed real estate broker or managing broker who was not acting as by a State certified real estate appraiser."; and

(8) such other items as the broker or managing broker may deem appropriate.

(Source: P.A. 98-1109, eff. 1-1-15.)

Section 15. The Appraisal Management Company Registration Act is amended by changing Sections 55 and 65 and by adding Sections 56 and 57 as follows:

(225 ILCS 459/55)

Sec. 55. Fees.

(a) The fees for the administration and enforcement of this Act, including, but not limited to, original registration, renewal, and restoration fees, shall be set by the Department by rule. The fees shall not be refundable.

(b) All fees and other moneys collected under this Act shall be deposited in the Appraisal Administration Fund, except as provided by Section 56 of this Act.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/56 new)

Sec. 56. Appraisal Management Company Recovery Fund.

(a) In addition to any other fee provided for under this Act, the Secretary, upon the recommendation of the Board, may charge a fee not to exceed \$500 to be paid at the time of submission of an original application and each renewal application to register as an appraisal management company. These fees shall be deposited in the Appraisal Management Company Recovery Fund.

(b) Any moneys remaining in the Appraisal Management Company Recovery Fund at the close of the fiscal year shall not lapse, but shall be carried forward into the succeeding fiscal year.

(c) Notwithstanding any other law to the contrary, the Appraisal Management Company Recovery Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Appraisal Management Company Recovery Fund into any other fund of the State.

(225 ILCS 459/57 new)

Sec. 57. Administration of the Appraisal Management Company Recovery Fund.

(a) The Department, with the assistance of the Board, shall, subject to appropriation, administer the Appraisal Management Company Recovery Fund solely to provide restitution to each State-certified general real estate appraiser or State-certified residential real estate appraiser who has suffered pecuniary loss as provided in subsection (b) of this Section or to award the Department expenses, fines, or fees:

(1) as a result of an appraisal management company ceasing to be registered with the Department, either voluntarily or involuntarily or having been determined as being bankrupt by a federal bankruptcy court;

(2) if an appraiser has received a final judgment from a court of competent jurisdiction or a federal bankruptcy court has discharged the debt in a bankruptcy proceeding;

(3) the unpaid appraisal fee was for an appraisal of real estate located in the State of Illinois; and

(4) if no viable alternative for full restitution is available, as determined by the Board.

If a federal bankruptcy court has discharged debts for expenses, fines, or fees due to or levied by the Department in accordance with this Act, the Board shall, prior to making a recommendation to award any State-certified general real estate appraiser or State-certified residential real estate appraiser any funds, recommend awarding the Department sufficient funds from the Appraisal Management Company Recovery Fund to pay expenses, fines, or fees due the Department from the bankrupt appraisal management company. The award shall not exceed \$25,000, except as provided in this Section.

No funds shall be paid without the approval, in writing, of the Secretary.

(b) Each fund distribution for restitution shall be made payable to the appropriate Illinois resident appraiser as approved by the Secretary after consideration of the recommendation of the Board. The amount to be paid to the appraiser shall equal the actual amount of appraisal fees that are proven to be

owed to the appraiser by the relevant appraisal management company and any reasonable and appropriate court costs associated with determining the final judgment in favor of the appraiser. If the amount of restitution to be paid to any one or more appraisers at any one time exceeds the balance in the Appraisal Management Company Recovery Fund, the Board, in making its recommendation, shall:

(1) distribute as much of the restitution amount as possible, which shall be deemed to satisfy in full any claim the relevant appraisers have on payments from the Appraisal Management Company Recovery Fund; and

(2) in the case of distributions to more than one appraiser, provide for a pro rata distribution of the available fund balance, which shall be deemed to satisfy in full any claim the relevant appraisers have on payments from the Appraisal Management Company Recovery Fund.

If, after payment of restitution is made as provided in this subsection (b), any funds remain, the Department shall be entitled to an award of any amounts remaining owed to the Department after payment of the initial \$25,000 provided for in subsection (a) of this Section.

(c) Whenever restitution or an award is paid by the Appraisal Management Company Recovery Fund, the Fund shall be subrogated to the amount of the restitution or award.

(d) The Department shall adopt rules in accordance with the Illinois Administrative Procedure Act that impose the fees assessed on appraisal management companies under Section 56 of this Act whenever the balance of the Fund is less than \$500,000 and shall suspend imposing fees when the balance of the Fund is \$500,000 or more.

(225 ILCS 459/65)

Sec. 65. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed \$25,000 for each violation, with regard to any registration for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act, or of the rules adopted under this Act.

(3) Conviction of, or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

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

(5) Professional incompetence.

(6) Gross malpractice.

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

(8) Failing, within 30 days after requested, to provide information in response to a written request made by the Department.

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

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

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

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

(13) Filing false statements for collection of fees for which services are not rendered.

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

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

(16) Being adjudicated liable in a civil proceeding for violation of a state or federal fair housing law.

(17) ~~(Blank). Failure to obtain or maintain the bond required under Section 50 of this Act.~~

(b) The Department may refuse to issue or may suspend without hearing as provided for in the Civil Administrative Code the registration of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty, or interest as required

by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/50 rep.)

Section 20. The Appraisal Management Company Registration Act is amended by repealing Section 50.

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

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

On motion of Senator T. Cullerton, **House Bill No. 3334** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McConaughay, **House Bill No. 3341** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3359** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rezin, **House Bill No. 3369** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3374** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3382** was taken up, read by title a second time.

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

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

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

On motion of Senator Morrison, **House Bill No. 3384** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Manar, **House Bill No. 3389** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3389

AMENDMENT NO. 1. Amend House Bill 3389 by replacing everything after the enacting clause with the following:

"Section 5. The Governmental Account Audit Act is amended by changing Sections 2 and 4 as follows: (50 ILCS 310/2) (from Ch. 85, par. 702)

Sec. 2. Except as otherwise provided in Section 3, the governing body of each governmental unit shall cause an audit of the accounts of the unit to be made by a licensed public accountant. Such audit shall be made annually and shall cover the immediately preceding fiscal year of the governmental unit. The audit shall include all the accounts and funds of the governmental unit, including the accounts of any officer of the governmental unit who receives fees or handles funds of the unit or who spends money of the unit. The audit shall begin as soon as possible after the close of the last fiscal year to which it pertains, and shall be completed and the audit report filed with the Comptroller within 180 days ~~6 months~~ after the close of such fiscal year unless an extension of time is granted by the Comptroller in writing. An audit report which fails to meet the requirements of this Act shall be rejected by the Comptroller and returned to the governing body of the governmental unit for corrective action. The licensed public accountant making the audit shall submit not less than 3 copies of the audit report to the governing body of the governmental unit being audited.

All audits to be filed with the Comptroller under this Section must be submitted electronically and the Comptroller must post the audit reports on the Internet no later than 45 days after they are received. If the governmental unit provides the Comptroller's Office with sufficient evidence that the audit report cannot

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be filed electronically, the Comptroller may waive this requirement. The Comptroller must also post a list of governmental units that are not in compliance with the reporting requirements set forth in this Section.

Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

(Source: P.A. 97-932, eff. 8-10-12; 97-1142, eff. 12-28-12.)

(50 ILCS 310/4) (from Ch. 85, par. 704)

Sec. 4. Overdue report.

(a) If the required report for a governmental unit is not filed with the Comptroller in accordance with Section 2 or Section 3, whichever is applicable, within 180 days ~~6 months~~ after the close of the fiscal year of the governmental unit, the Comptroller shall notify the governing body of that unit in writing that the report is due and may also grant a 60 day extension for the filing of the audit report. If the required report is not filed within the time specified in such written notice, the Comptroller shall cause an audit to be made by a licensed public accountant, and the governmental unit shall pay to the Comptroller actual compensation and expenses to reimburse him for the cost of preparing or completing such report.

(b) The Comptroller may decline to order an audit and the preparation of an audit report (i) if an initial examination of the books and records of the governmental unit indicates that the books and records of the governmental unit are inadequate or unavailable due to the passage of time or the occurrence of a natural disaster or (ii) if the Comptroller determines that the cost of an audit would impose an unreasonable financial burden on the governmental unit.

(c) The State Comptroller may grant extensions for delinquent audits or reports. The Comptroller may charge a governmental unit a fee for a delinquent audit or report of \$5 per day for the first 15 days past due, \$10 per day for 16 through 30 days past due, \$15 per day for 31 through 45 days past due, and \$20 per day for the 46th day and every day thereafter. These amounts may be reduced at the Comptroller's discretion. All fees collected under this subsection (c) shall be deposited into the Comptroller's Administrative Fund.

(Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12; 98-922, eff. 8-15-14.)

Section 10. The Counties Code is amended by changing Sections 6-31003, 6-31004, and 6-31005 as follows:

(55 ILCS 5/6-31003) (from Ch. 34, par. 6-31003)

Sec. 6-31003. Annual audits and reports. The county board of each county shall cause an audit of all of the funds and accounts of the county to be made annually by an accountant or accountants chosen by the county board or by an accountant or accountants retained by the Comptroller, as hereinafter provided. In addition, each county shall file with the Comptroller a financial report containing information required by the Comptroller. Such financial report shall be on a form so designed by the Comptroller as not to require professional accounting services for its preparation. All audits and reports to be filed with the Comptroller under this Section must be submitted electronically and the Comptroller must post the audits and reports on the Internet no later than 45 days after they are received. If the county provides the Comptroller's Office with sufficient evidence that the audit or report cannot be filed electronically, the Comptroller may waive this requirement. The Comptroller must also post a list of counties that are not in compliance with the reporting requirements set forth in this Section.

Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

The audit shall commence as soon as possible after the close of each fiscal year and shall be completed within 180 days ~~6 months~~ after the close of such fiscal year, unless an extension of time is granted by the Comptroller in writing. Such extension of time shall not exceed 60 days. When the accountant or accountants have completed the audit a full report thereof shall be made and not less than 2 copies of each audit report shall be submitted to the county board. Each audit report shall be signed by the accountant making the audit and shall include only financial information, findings and conclusions that are adequately supported by evidence in the auditor's working papers to demonstrate or prove, when called upon, the basis for the matters reported and their correctness and reasonableness. In connection with this, each county board shall retain the right of inspection of the auditor's working papers and shall make them available to the Comptroller, or his designee, upon request.

Within 60 days of receipt of an audit report, each county board shall file one copy of each audit report and each financial report with the Comptroller and any comment or explanation that the county board may desire to make concerning such audit report may be attached thereto. An audit report which fails to meet

the requirements of this Division shall be rejected by the Comptroller and returned to the county board for corrective action. One copy of each such report shall be filed with the county clerk of the county so audited.

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

(Source: P.A. 97-890, eff. 8-2-12; 97-932, eff. 8-10-12; 97-1142, eff. 12-28-12.)

(55 ILCS 5/6-31004) (from Ch. 34, par. 6-31004)

Sec. 6-31004. Overdue reports.

(a) In the event the required reports for a county are not filed with the Comptroller in accordance with Section 6-31003 within 180 days 6 months after the close of the fiscal year of the county, the Comptroller shall notify the county board in writing that the reports are due, and may also grant an extension of time of up to 60 days for the filing of the reports. In the event the required reports are not filed within the time specified in such written notice, the Comptroller shall cause the audit to be made and the audit report prepared by an accountant or accountants.

(b) The Comptroller may decline to order an audit and the preparation of an audit report if an initial examination of the books and records of the governmental unit indicates that the books and records of the governmental unit are inadequate or unavailable due to the passage of time or the occurrence of a natural disaster.

(c) The State Comptroller may grant extensions for delinquent audits or reports. The Comptroller may charge a county a fee for a delinquent audit or report of \$5 per day for the first 15 days past due, \$10 per day for 16 through 30 days past due, \$15 per day for 31 through 45 days past due, and \$20 per day for the 46th day and every day thereafter. These amounts may be reduced at the Comptroller's discretion. All fees collected under this subsection (c) shall be deposited into the Comptroller's Administrative Fund.

(Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12; 98-922, eff. 8-15-14.)

(55 ILCS 5/6-31005) (from Ch. 34, par. 6-31005)

Sec. 6-31005. Funds managed by county officials. In addition to any other audit required by this Division, the County Board shall cause an audit to be made of all funds and accounts under the management or control of a county official as soon as possible after such official leaves office for any reason. The audit shall be filed with the county board not later than 180 days 6 months after the official leaves office. The audit shall be conducted and the audit report shall be prepared and filed with the Chairman of the County Board by a person lawfully qualified to practice public accounting as regulated by "An Act to regulate the practice of public accounting and to repeal certain acts therein named", approved July 22, 1943 as amended.

As used in this Section, "county official" means any elected county officer or any officer appointed by the county board who is charged with the management or control of any county funds; and "audit" means a post facto examination of books, documents, records, and other evidence relating to the obligation, receipt, expenditure or use of public funds of the county, including governmental operations relating to such obligations, receipt, expenditure or use.

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

Section 15. The Illinois Municipal Code is amended by changing Sections 8-8-3 and 8-8-4 as follows:

(65 ILCS 5/8-8-3) (from Ch. 24, par. 8-8-3)

Sec. 8-8-3. Audit requirements.

(a) The corporate authorities of each municipality coming under the provisions of this Division 8 shall cause an audit of the funds and accounts of the municipality to be made by an accountant or accountants employed by such municipality or by an accountant or accountants retained by the Comptroller, as hereinafter provided.

(b) The accounts and funds of each municipality having a population of 800 or more or having a bonded debt or owning or operating any type of public utility shall be audited annually. The audit herein required shall include all of the accounts and funds of the municipality. Such audit shall be begun as soon as possible after the close of the fiscal year, and shall be completed and the report submitted within 180 days 6 months after the close of such fiscal year, unless an extension of time shall be granted by the Comptroller in writing. The accountant or accountants making the audit shall submit not less than 2 copies of the audit report to the corporate authorities of the municipality being audited. Municipalities not operating utilities may cause audits of the accounts of municipalities to be made more often than herein provided, by an accountant or accountants. The audit report of such audit when filed with the Comptroller together with an audit report covering the remainder of the period for which an audit is required to be filed hereunder shall satisfy the requirements of this section.

(c) Municipalities of less than 800 population which do not own or operate public utilities and do not have bonded debt, shall file annually with the Comptroller a financial report containing information

required by the Comptroller. Such annual financial report shall be on forms devised by the Comptroller in such manner as to not require professional accounting services for its preparation.

(d) In addition to any audit report required, all municipalities, except municipalities of less than 800 population which do not own or operate public utilities and do not have bonded debt, shall file annually with the Comptroller a supplemental report on forms devised and approved by the Comptroller.

(e) Notwithstanding any provision of law to the contrary, if a municipality (i) has a population of less than 200, (ii) has bonded debt in the amount of \$50,000 or less, and (iii) owns or operates a public utility, then the municipality shall cause an audit of the funds and accounts of the municipality to be made by an accountant employed by the municipality or retained by the Comptroller for fiscal year 2011 and every fourth fiscal year thereafter or until the municipality has a population of 200 or more, has bonded debt in excess of \$50,000, or no longer owns or operates a public utility. Nothing in this subsection shall be construed as limiting the municipality's duty to file an annual financial report with the Comptroller or to comply with the filing requirements concerning the county clerk.

(f) All audits and reports to be filed with the Comptroller under this Section must be submitted electronically and the Comptroller must post the audits and reports on the Internet no later than 45 days after they are received. If the municipality provides the Comptroller's Office with sufficient evidence that the audit or report cannot be filed electronically, the Comptroller may waive this requirement. The Comptroller must also post a list of municipalities that are not in compliance with the reporting requirements set forth in this Section.

(g) Subsection (f) of this Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule municipalities of powers and functions exercised by the State.

(h) Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

(Source: P.A. 96-1309, eff. 7-27-10; 97-890, eff. 8-2-12; 97-932, eff. 8-10-12; 97-1142, eff. 12-28-12.)

(65 ILCS 5/8-8-4) (from Ch. 24, par. 8-8-4)

Sec. 8-8-4. Overdue reports.

(a) In the event the required audit report for a municipality is not filed with the Comptroller in accordance with Section 8-8-7 within 180 days ~~6 months~~ after the close of the fiscal year of the municipality, the Comptroller shall notify the corporate authorities of that municipality in writing that the audit report is due, and may also grant an extension of time of 60 days, for the filing of the audit report. In the event the required audit report is not filed within the time specified in such written notice, the Comptroller shall cause such audit to be made by an accountant or accountants. In the event the required annual or supplemental report for a municipality is not filed within 6 months after the close of the fiscal year of the municipality, the Comptroller shall notify the corporate authorities of that municipality in writing that the annual or supplemental report is due and may grant an extension in time of 60 days for the filing of such annual or supplemental report.

(b) In the event the annual or supplemental report is not filed within the time extended by the Comptroller, the Comptroller shall cause such annual or supplemental report to be prepared or completed and the municipality shall pay to the Comptroller reasonable compensation and expenses to reimburse him for the cost of preparing or completing such annual or supplemental report. Moneys paid to the Comptroller pursuant to the preceding sentence shall be deposited into the Comptroller's Audit Expense Revolving Fund.

(c) The Comptroller may decline to order an audit or the completion of the supplemental report if an initial examination of the books and records of the municipality indicates that books and records of the municipality are inadequate or unavailable to support the preparation of the audit report or the supplemental report due to the passage of time or the occurrence of a natural disaster.

(d) The State Comptroller may grant extensions for delinquent audits or reports. The Comptroller may charge a municipality a fee for a delinquent audit or report of \$5 per day for the first 15 days past due, \$10 per day for 16 through 30 days past due, \$15 per day for 31 through 45 days past due, and \$20 per day for the 46th day and every day thereafter. These amounts may be reduced at the Comptroller's discretion. All fees collected under this subsection (d) shall be deposited into the Comptroller's Administrative Fund.

(Source: P.A. 97-890, eff. 8-2-12; 97-1142, eff. 12-28-12; 98-922, eff. 8-15-14.)

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

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

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On motion of Senator T. Cullerton, **House Bill No. 3429** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 3430** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 3434** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McGuire, **House Bill No. 3448** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Manar, **House Bill No. 3457** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3464** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3464

AMENDMENT NO. 1. Amend House Bill 3464 as follows:

on page 2, by replacing lines 5 through 13 with the following:

~~"(F) Publication of Intent. Make, print, circulate, post, mail, publish or cause to be made, printed, circulated, posted, mailed, or published any notice, statement, advertisement or sign, or use a form of application for a real estate transaction, or make a record or inquiry in connection with a prospective real estate transaction, that indicates any preference, limitation, or discrimination based on unlawful discrimination or discrimination based on familial status, or an intention to make any such preference, limitation, or discrimination Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination;"~~.

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

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

On motion of Senator Martinez, **House Bill No. 3493** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3503** was taken up, read by title a second time and ordered to a third reading.

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 3493** was recalled from the order of third reading to the order of second reading.

And **House Bill No. 3493** was held on the order of second reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Mulroe, **House Bill No. 3510** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3512** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3527** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3527

AMENDMENT NO. 1. Amend House Bill 3527 by replacing everything after the enacting clause with the following:

"Section 5. The Right to Privacy in the School Setting Act is amended by changing Sections 10 and 15 as follows:

(105 ILCS 75/10)

Sec. 10. Prohibited inquiry.

(a) It is unlawful for a post-secondary school to request or require a student or his or her parent or guardian to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website or to demand access in any manner to a student's account or profile on a social networking website.

(b) Nothing in this Section limits a post-secondary school's right to do the following:

(1) promulgate and maintain lawful school policies governing the use of the post-secondary school's electronic equipment, including policies regarding Internet use, social networking website use, and electronic mail use; and

(2) monitor usage of the post-secondary school's electronic equipment and the post-secondary school's electronic mail without requesting or requiring a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website.

(c) Nothing in this Section prohibits a post-secondary school from obtaining information about a student that is in the public domain or that is otherwise obtained in compliance with this Act.

(d) This Section does not prohibit a post-secondary school from conducting an investigation or requiring a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to make a factual determination. ~~does not apply when a post-secondary school has reasonable cause to believe that a student's account on a social networking website contains evidence that the student has violated a school disciplinary rule or policy.~~

(Source: P.A. 98-129, eff. 1-1-14.)

(105 ILCS 75/15)

Sec. 15. Notification. An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may not request or require a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website ~~if the elementary or secondary school has reasonable cause to believe that the student's account on a social networking website contains evidence that the student has violated a school disciplinary rule or policy.~~ An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to make a factual determination. Notification under this Section ~~The notification~~ must be published in the elementary or secondary school's disciplinary rules, policies, or handbook or communicated by similar means.

(Source: P.A. 98-129, eff. 1-1-14.)

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

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

On motion of Senator Forby, **House Bill No. 3540** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Nybo, **House Bill No. 3543** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McConnaughay, **House Bill No. 3556** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Commerce and Economic Development, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3556

AMENDMENT NO. 1. Amend House Bill 3556 on page 4, by replacing lines 9 and 10 with "(8.5) Utilize up to 1% of the revenue from a business district retailers' occupation tax and service occupation tax imposed under paragraph (10) and a hotel operators' occupation tax under paragraph (11) of Section 11-74.3-3 in connection with one"; and

on page 9, by deleting lines 18 through 20.

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

On motion of Senator Martinez, **House Bill No. 3560** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Energy and Public Utilities, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3560

AMENDMENT NO. 1. Amend House Bill 3560, on page 2, line 11, by deleting "and";

on page 2, line 13, by replacing "." with "; and" and

on page 2, after line 13, by adding the following:

"(10) the Executive Director of the Capital Development Board, or his or her designee.".

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

On motion of Senator Connelly, **House Bill No. 3587** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3592** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 3616** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3620** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 3672** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 3673** having been printed, was taken up and read by title a second time.

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

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

AMENDMENT NO. 2 TO HOUSE BILL 3673

AMENDMENT NO. 2. Amend House Bill 3673 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 356g as follows:
(215 ILCS 5/356g) (from Ch. 73, par. 968g)

Sec. 356g. Mammograms; mastectomies.

(a) Every insurer shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed for persons who are residents of this State, coverage for screening by low-dose mammography for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate. The coverage shall be as follows:

(1) A baseline mammogram for women 35 to 39 years of age.

(2) An annual mammogram for women 40 years of age or older.

(3) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(4) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(5) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

For purposes of this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, and image receptor, with radiation exposure delivery of less than 1 rad per breast for 2 views of an average size breast. The term also includes digital mammography.

(a-5) Coverage as described by subsection (a) shall be provided at no cost to the insured and shall not be applied to an annual or lifetime maximum benefit.

(a-10) When health care services are available through contracted providers and a person does not comply with plan provisions specific to the use of contracted providers, the requirements of subsection (a-5) are not applicable. When a person does not comply with plan provisions specific to the use of contracted providers, plan provisions specific to the use of non-contracted providers must be applied without distinction for coverage required by this Section and shall be at least as favorable as for other radiological examinations covered by the policy or contract.

(b) No policy of accident or health insurance that provides for the surgical procedure known as a mastectomy shall be issued, amended, delivered, or renewed in this State unless that coverage also provides for prosthetic devices or reconstructive surgery incident to the mastectomy. Coverage for breast reconstruction in connection with a mastectomy shall include:

(1) reconstruction of the breast upon which the mastectomy has been performed;

(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

and

(3) prostheses and treatment for physical complications at all stages of mastectomy, including lymphedemas.

Care shall be determined in consultation with the attending physician and the patient. The offered coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy, and all other terms and conditions applicable to other benefits. When a mastectomy is performed and there is no evidence of malignancy then the offered coverage may be limited to the provision of prosthetic devices and reconstructive surgery to within 2 years after the date of the mastectomy. As used in this Section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a licensed physician.

Written notice of the availability of coverage under this Section shall be delivered to the insured upon enrollment and annually thereafter. An insurer may not deny to an insured eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of this Section. An insurer may not penalize or reduce or limit the reimbursement of an attending provider or provide incentives (monetary or otherwise) to an attending provider to induce the provider to provide care to an insured in a manner inconsistent with this Section.

(c) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 94-121, eff. 7-6-05; 95-431, eff. 8-24-07; 95-1045, eff. 3-27-09.)

Section 10. The Illinois Public Aid Code is amended by changing Sections 5-5 and 5-16.8 and by adding Section 12-4.49 as follows:

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

[May 18, 2015]

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

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

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

Upon receipt of federal approval of an amendment to the Illinois Title XIX State Plan for this purpose, the Department shall authorize the Chicago Public Schools (CPS) to procure a vendor or vendors to manufacture eyeglasses for individuals enrolled in a school within the CPS system. CPS shall ensure that its vendor or vendors are enrolled as providers in the medical assistance program and in any capitated Medicaid managed care entity (MCE) serving individuals enrolled in a school within the CPS system. Under any contract procured under this provision, the vendor or vendors must serve only individuals enrolled in a school within the CPS system. Claims for services provided by CPS's vendor or vendors to recipients of benefits in the medical assistance program under this Code, the Children's Health Insurance Program, or the Covering ALL KIDS Health Insurance Program shall be submitted to the Department or the MCE in which the individual is enrolled for payment and shall be reimbursed at the Department's or the MCE's established rates or rate methodologies for eyeglasses.

On and after July 1, 2012, the Department of Healthcare and Family Services may provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

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

optometrist, whichever the person may select.

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

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

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

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

(A) A baseline mammogram for women 35 to 39 years of age.

(B) An annual mammogram for women 40 years of age or older.

(C) A mammogram at the age and intervals considered medically necessary by the woman's health care provider for women under 40 years of age and having a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other risk factors.

(D) A comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue, when medically necessary as determined by a physician licensed to practice medicine in all of its branches.

(E) A screening MRI when medically necessary, as determined by a physician licensed to practice medicine in all of its branches.

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

On and after January 1, 2016, the Department shall ensure that all networks of care for adult clients of the Department include access to at least one breast imaging Center of Imaging Excellence as certified by the American College of Radiology.

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

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

On and after January 1, 2017, providers participating in a breast cancer treatment quality improvement program approved by the Department shall be reimbursed for breast cancer treatment at a rate that is no lower than 95% of the Medicare program's rates for the data elements included in the breast cancer treatment quality program.

The Department shall convene an expert panel, including representatives of hospitals, free standing breast cancer treatment centers, breast cancer quality organizations, and doctors, including breast surgeons, reconstructive breast surgeons, oncologists, and primary care providers to establish quality standards for breast cancer treatment.

Subject to federal approval, the Department shall establish a rate methodology for mammography at federally qualified health centers and other encounter-rate clinics. These clinics or centers may also collaborate with other hospital-based mammography facilities. By January 1, 2016, the Department shall report to the General Assembly on the status of the provision set forth in this paragraph.

The Department shall establish a methodology to remind women who are age-appropriate for screening mammography, but who have not received a mammogram within the previous 18 months, of the importance and benefit of screening mammography. The Department shall work with experts in breast cancer outreach and patient navigation to optimize these reminders and shall establish a methodology for evaluating their effectiveness and modifying the methodology based on the evaluation.

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

The Department shall devise a means of case-managing or patient navigation for beneficiaries diagnosed with breast cancer. This program shall initially operate as a pilot program in areas of the State with the highest incidence of mortality related to breast cancer. At least one pilot program site shall be in the metropolitan Chicago area and at least one site shall be outside the metropolitan Chicago area. On or after July 1, 2016, the pilot program shall be expanded to include one site in western Illinois, one site in southern Illinois, one site in central Illinois, and 4 sites within metropolitan Chicago. An evaluation of the pilot program shall be carried out measuring health outcomes and cost of care for those served by the pilot program compared to similarly situated patients who are not served by the pilot program.

The Department shall require all networks of care to develop a means either internally or by contract with experts in navigation and community outreach to navigate cancer patients to comprehensive care in a timely fashion. The Department shall require all networks of care to include access for patients diagnosed with cancer to at least one academic commission on cancer-accredited cancer program as an in-network covered benefit.

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

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

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after July 22, 2013; (the effective date of Public Act 98-104), establish procedures to permit skilled care facilities licensed under the Nursing Home Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

Notwithstanding any other law to the contrary, the Illinois Department shall, within 365 days after the effective date of this amendatory Act of the 98th General Assembly, establish procedures to permit ID/DD facilities licensed under the ID/DD Community Care Act to submit monthly billing claims for reimbursement purposes. Following development of these procedures, the Department shall have an additional 365 days to test the viability of the new system and to ensure that any necessary operational or structural changes to its information technology platforms are implemented.

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

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills

paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor shall be subject to a provisional period and shall be conditional for one year. During the period of conditional enrollment, the Department may terminate the vendor's eligibility to participate in, or may disenroll the vendor from, the medical assistance program without cause. Unless otherwise specified, such termination of eligibility or disenrollment is not subject to the Department's hearing process. However, a disenrolled vendor may reapply without penalty.

The Department has the discretion to limit the conditional enrollment period for vendors based upon category of risk of the vendor.

Prior to enrollment and during the conditional enrollment period in the medical assistance program, all vendors shall be subject to enhanced oversight, screening, and review based on the risk of fraud, waste, and abuse that is posed by the category of risk of the vendor. The Illinois Department shall establish the procedures for oversight, screening, and review, which may include, but need not be limited to: criminal and financial background checks; fingerprinting; license, certification, and authorization verifications; unscheduled or unannounced site visits; database checks; prepayment audit reviews; audits; payment caps; payment suspensions; and other screening as required by federal or State law.

The Department shall define or specify the following: (i) by provider notice, the "category of risk of the vendor" for each type of vendor, which shall take into account the level of screening applicable to a particular category of vendor under federal law and regulations; (ii) by rule or provider notice, the maximum length of the conditional enrollment period for each category of risk of the vendor; and (iii) by rule, the hearing rights, if any, afforded to a vendor in each category of risk of the vendor that is terminated or disenrolled during the conditional enrollment period.

To be eligible for payment consideration, a vendor's payment claim or bill, either as an initial claim or as a resubmitted claim following prior rejection, must be received by the Illinois Department, or its fiscal intermediary, no later than 180 days after the latest date on the claim on which medical goods or services were provided, with the following exceptions:

- (1) In the case of a provider whose enrollment is in process by the Illinois Department, the 180-day period shall not begin until the date on the written notice from the Illinois Department that the provider enrollment is complete.
- (2) In the case of errors attributable to the Illinois Department or any of its claims processing intermediaries which result in an inability to receive, process, or adjudicate a claim, the 180-day period shall not begin until the provider has been notified of the error.
- (3) In the case of a provider for whom the Illinois Department initiates the monthly billing process.
- (4) In the case of a provider operated by a unit of local government with a population exceeding 3,000,000 when local government funds finance federal participation for claims payments.

For claims for services rendered during a period for which a recipient received retroactive eligibility, claims must be filed within 180 days after the Department determines the applicant is eligible. For claims for which the Illinois Department is not the primary payer, claims must be submitted to the Illinois Department within 180 days after the final adjudication by the primary payer.

In the case of long term care facilities, within 5 days of receipt by the facility of required prescreening information, data for new admissions shall be entered into the Medical Electronic Data Interchange (MEDI) or the Recipient Eligibility Verification (REV) System or successor system, and within 15 days of receipt by the facility of required prescreening information, admission documents shall be submitted through MEDI or REV or shall be submitted directly to the Department of Human Services using required admission forms. Effective September 1, 2014, admission documents, including all prescreening information, must be submitted through MEDI or REV. Confirmation numbers assigned to an accepted transaction shall be retained by a facility to verify timely submittal. Once an admission transaction has been completed, all resubmitted claims following prior rejection are subject to receipt no later than 180 days after the admission transaction has been completed.

Claims that are not submitted and received in compliance with the foregoing requirements shall not be eligible for payment under the medical assistance program, and the State shall have no liability for payment of those claims.

To the extent consistent with applicable information and privacy, security, and disclosure laws, State and federal agencies and departments shall provide the Illinois Department access to confidential and other information and data necessary to perform eligibility and payment verifications and other Illinois Department functions. This includes, but is not limited to: information pertaining to licensure; certification; earnings; immigration status; citizenship; wage reporting; unearned and earned income; pension income; employment; supplemental security income; social security numbers; National Provider

Identifier (NPI) numbers; the National Practitioner Data Bank (NPDB); program and agency exclusions; taxpayer identification numbers; tax delinquency; corporate information; and death records.

The Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, under which such agencies and departments shall share data necessary for medical assistance program integrity functions and oversight. The Illinois Department shall develop, in cooperation with other State departments and agencies, and in compliance with applicable federal laws and regulations, appropriate and effective methods to share such data. At a minimum, and to the extent necessary to provide data sharing, the Illinois Department shall enter into agreements with State agencies and departments, and is authorized to enter into agreements with federal agencies and departments, including but not limited to: the Secretary of State; the Department of Revenue; the Department of Public Health; the Department of Human Services; and the Department of Financial and Professional Regulation.

Beginning in fiscal year 2013, the Illinois Department shall set forth a request for information to identify the benefits of a pre-payment, post-adjudication, and post-edit claims system with the goals of streamlining claims processing and provider reimbursement, reducing the number of pending or rejected claims, and helping to ensure a more transparent adjudication process through the utilization of: (i) provider data verification and provider screening technology; and (ii) clinical code editing; and (iii) pre-pay, pre- or post-adjudicated predictive modeling with an integrated case management system with link analysis. Such a request for information shall not be considered as a request for proposal or as an obligation on the part of the Illinois Department to take any action or acquire any products or services.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Subject to prior approval, such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped; and (iii) notwithstanding any other provision of law, subject to federal approval, on and after July 1, 2012, an increase in the determination of need (DON) scores from 29 to 37 for applicants for institutional and home and community-based long term care; if and only if federal approval is not granted, the Department may, in conjunction with other affected agencies, implement utilization controls or changes in benefit packages to effectuate a similar savings amount for this population; and (iv) no later than July 1, 2013, minimum level of care eligibility criteria for institutional and home and community-based long term care; and (v) no later than October 1, 2013, establish procedures to permit long term care providers access to eligibility scores for individuals with an admission date who are seeking or receiving services from the long term care provider. In order to select the minimum level of care eligibility criteria, the Governor shall establish a workgroup that includes affected agency representatives and stakeholders representing the institutional and home and community-based long term care interests. This Section shall not restrict the Department from implementing lower level of care eligibility criteria for community-based services in circumstances where federal approval has been granted.

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

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

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

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(d) efforts at utilization review and control by the Illinois Department.

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

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

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

Because kidney transplantation can be an appropriate, cost effective alternative to renal dialysis when medically necessary and notwithstanding the provisions of Section 1-11 of this Code, beginning October 1, 2014, the Department shall cover kidney transplantation for noncitizens with end-stage renal disease who are not eligible for comprehensive medical benefits, who meet the residency requirements of Section 5-3 of this Code, and who would otherwise meet the financial requirements of the appropriate class of eligible persons under Section 5-2 of this Code. To qualify for coverage of kidney transplantation, such person must be receiving emergency renal dialysis services covered by the Department. Providers under this Section shall be prior approved and certified by the Department to perform kidney transplantation and the services under this Section shall be limited to services associated with kidney transplantation.

(Source: P.A. 97-48, eff. 6-28-11; 97-638, eff. 1-1-12; 97-689, eff. 6-14-12; 97-1061, eff. 8-24-12; 98-104, Article 9, Section 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff. 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; 98-651, eff. 6-16-14; 98-756, eff. 7-16-14; 98-963, eff. 8-15-14; revised 10-2-14.)

(305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, and 356z.6 of the Illinois Insurance Code and (ii) be subject to the provisions of Sections 356z.19 and 364.01 of the Illinois Insurance Code.

On and after July 1, 2012, the Department shall reduce any rate of reimbursement for services or other payments or alter any methodologies authorized by this Code to reduce any rate of reimbursement for services or other payments in accordance with Section 5-5e.

To ensure full access to the benefits set forth in this Section, on and after January 1, 2016, the Department shall ensure that provider and hospital reimbursement for post-mastectomy care benefits required under this Section are no lower than the Medicare reimbursement rate.

(Source: P.A. 97-282, eff. 8-9-11; 97-689, eff. 6-14-12.)

(305 ILCS 5/12-4.49 new)

Sec. 12-4.49. Breast cancer imaging and diagnostic equipment grant program.

(a) On and after January 1, 2016 and subject to funding availability, the Department of Healthcare and Family Services shall administer a grant program the purpose of which shall be to build the public infrastructure for breast cancer imaging and diagnostic services across the State, in particular in rural, medically underserved areas and in areas with high breast cancer mortality.

(b) In order to be eligible for the program, an applicant must be a:

- (1) disproportionate share hospital with high MIUR (as set by the Department by rule);
- (2) mammography facility in a rural area;
- (3) federally qualified health center; or
- (4) rural health clinic.

(c) The grants may be used to purchase new equipment for breast imaging, image-guided biopsies, or other equipment to enhance the detection and diagnosis of breast cancer.

(d) The primary purpose of these grants is to increase access for low-income and Department of Healthcare and Family Services clients to high quality breast cancer screening and diagnostics. Medically Underserved Areas (MUAs), areas with high breast cancer mortality rates, and Health Professional Shortage Areas (HPSAs) shall receive special priority for grants under this program.

(e) The Department shall establish procedures for applying for grant funds under this Section.

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

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

On motion of Senator Stadelman, **House Bill No. 3684** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3684

AMENDMENT NO. 1. Amend House Bill 3684 as follows:

on page 1, line 15, after "group homes," by inserting "residential treatment facilities, and foster homes,"; and

on page 2, line 21, before the period, by inserting "and placed pursuant to Section 2-27.1 of the Juvenile Court Act of 1987"; and

on page 4, line 8, by replacing "race and ethnicity" with "race, ethnicity, national origin, color, ancestry, religion, mental and physical disability, and HIV status".

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

On motion of Senator Stadelman, **House Bill No. 3686** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3704** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3747** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 3753** was taken up, read by title a second time and ordered to a third reading.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2015 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Floor Amendment No. 4 to House Bill 3674; Floor Amendment No. 2 to House Bill 4029; Floor Amendment No. 3 to House Bill 4029; HOUSE BILL 3234.**

Criminal Law: **Floor Amendment No. 1 to Senate Resolution 175; Floor Amendment No. 1 to House Bill 821; Floor Amendment No. 3 to House Bill 1516; Floor Amendment No. 4 to House Bill 1516; Floor Amendment No. 1 to House Bill 3231; Floor Amendment No. 1 to House Bill 3988.**

Executive: **Committee Amendment No. 1 to House Bill 1121.**

Human Services: **Floor Amendment No. 1 to House Bill 3270.**

Insurance: **Floor Amendment No. 2 to House Bill 3382.**

Judiciary: **Floor Amendment No. 1 to Senate Bill 142; Floor Amendment No. 1 to House Bill 2556; Floor Amendment No. 3 to House Bill 2640; Floor Amendment No. 2 to House Bill 2641;**

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Floor Amendment No. 3 to House Bill 3332; Floor Amendment No. 2 to House Bill 3464; Committee Amendment No. 1 to House Bill 3683; Floor Amendment No. 1 to House Bill 3932; Floor Amendment No. 2 to House Bill 3983; Committee Amendment No. 1 to House Bill 4006; Committee Amendment No. 2 to House Bill 4006.

Labor: **Floor Amendment No. 2 to House Bill 3619.**

Licensed Activities and Pensions: **Floor Amendment No. 1 to House Bill 2502.**

Local Government: **Floor Amendment No. 2 to House Bill 417; Floor Amendment No. 1 to House Bill 3444.**

Public Health: **Floor Amendment No. 2 to House Bill 2462; Floor Amendment No. 1 to House Bill 3504; Floor Amendment No. 1 to House Bill 3841; Floor Amendment No. 1 to House Bill 3848; Floor Amendment No. 2 to House Bill 3848.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2015 meeting, reported the following Appointment Messages have been assigned to the indicated Standing Committee of the Senate:

Executive Appointments: **Appointment Messages Numbered 990200, 990201, 990202, 990203, 990204, 990205, 990206, 990207 and 990208.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2015 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 2 to Senate Resolution 517

Floor Amendment No. 1 to House Bill 3211

Floor Amendment No. 1 to House Bill 3895

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cunningham, **House Bill No. 3785** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Cullerton, **House Bill No. 3788** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 3797** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bush, **House Bill No. 3848** was taken up, read by title a second time. Floor Amendment No. 1 was referred to the Committee on Public Health earlier today. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Connelly, **House Bill No. 3884** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 3897** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cunningham, **House Bill No. 3909** was taken up, read by title a second time and ordered to a third reading.

[May 18, 2015]

On motion of Senator Collins, **House Bill No. 3910** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3910

AMENDMENT NO. 1. Amend House Bill 3910 on page 1, by replacing lines 21 and 22 with the following:

"annual registration of its agents, an amount equal to \$3 for each policy issued by all of its".

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

On motion of Senator Koehler, **House Bill No. 3944** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Biss, **House Bill No. 3930** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3967** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 3977** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3983** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3983

AMENDMENT NO. 1. Amend House Bill 3983 by replacing line 24, page 3, through line 1, page 4, with "otherwise allow an adult entertainment facility to operate less than 250 feet from the"; and

on page 9, by replacing lines 9 through 11 with "entertainment facility and the home rule unit's boundary to less than 250 feet. This Section is a limitation under".

Floor Amendment No. 2 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Connelly, **House Bill No. 3988** was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Criminal Law earlier today.

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

On motion of Senator Haine, **House Bill No. 4015** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4044** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4044

AMENDMENT NO. 1. Amend House Bill 4044 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 6-12 as follows:
(705 ILCS 405/6-12)

Sec. 6-12. Juvenile County juvenile justice councils.

(1) Each county, or any group of contiguous counties under pursuant to an intergovernmental agreement or, in counties having a population of 3,000,000 or more, any township, or group of those townships, in the State of Illinois may, at the initiative of any State's Attorney, Public Defender, court services director, probation officer, county board member, regional superintendent of schools, sheriff, chief of police, any judge serving in a juvenile court within the jurisdiction, or governing body of any Redeploy Illinois site serving any part of that area, establish a county juvenile justice council ("council").

(1.5) Each of the following county officers or entities serving any part of the area included in a juvenile justice council shall designate a representative to serve on the council: the sheriff, the State's Attorney, Chief Probation Officer, the Public Defender, and each and the county board within the area of the of the council. Designation of members shall be made to the person or agency initiating formation of the council. In addition, the chief judge may designate a representative to serve on the council.

(a) Following designation of members, the The council shall organize itself and elect from its members a chairperson and such officers as are deemed necessary. Until a chairperson is elected, the State's Attorney shall serve as interim chairperson.

(b) The chairperson shall, with the advice and consent of the council, appoint additional members of the council as is deemed

necessary to accomplish the purposes of this Article and whenever possible shall appoint a local Chief of Police and a representative of a community youth service provider. The additional members may include, but are not limited to, a judge who hears juvenile cases in the jurisdiction in which the council sits, representatives of local law enforcement, juvenile justice agencies, schools, businesses, and community organizations, community youth service providers, faith based organizations, the State or local board of education, any family violence coordinating council, any domestic violence agency, any children's advocacy center, any serious and habitual offender comprehensive action program, the Department of Human Services, the Chamber of Commerce, any director of court services, and local justice involved youth. However, the number of voting members of any juvenile justice council shall not exceed 21.

(c) The county juvenile justice council shall meet monthly from time to time, but no less than semi-annually, for the purpose of encouraging the initiation of, or supporting ongoing, interagency cooperation and programs to address juvenile delinquency and juvenile crime.

(d) In counties having a population of 3,000,000 or more, the juvenile justice council shall provide for local area council participation in its by-laws.

(2) The purpose of a county juvenile justice council is :

(a) To provide a forum for the development of a community-based interagency assessment of the local juvenile justice system, to develop a county juvenile justice plan for the prevention of juvenile delinquency, and to make recommendations to the county board, or county boards, for more effectively utilizing existing community resources in dealing with juveniles who are found to be involved in crime, or who are truant or have been suspended or expelled from school. The county juvenile justice plan shall include relevant portions of local crime prevention and public safety plans, school improvement and school safety plans, Redeploy Illinois plans, and the plans or initiatives of other public and private entities within the covered area county that are concerned with dropout prevention, school safety, the prevention of juvenile crime and criminal activity by youth gangs.

(b) To inform the development of the local assessment and plan described in paragraph (a) by utilizing aggregate data to: analyze the risks, needs, and characteristics of youth in contact with the juvenile justice system; to assess responses and resources available; and to develop or strengthen policy and practice in order to prevent or mitigate juvenile delinquency, produce positive youth outcomes, and enhance public safety. Sources of this data may include State and local human services, child protection, law enforcement, probation, corrections, education, and other public agencies. State agencies, their local and regional offices, and contractors are strongly encouraged to collaborate with juvenile justice councils to develop memoranda of understanding and intergovernmental agreements, and to share data and information in order to provide an adequate basis for the local juvenile justice plan. The confidentiality of individual juvenile records shall not be compromised at any time or in any manner in service of these functions.

(3) The duties and responsibilities of the county juvenile justice council include, but are not limited to:

(a) Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, school systems, park programs, sports entities, Redeploy Illinois programs, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime.

(b) Entering into a written county interagency agreement specifying the nature and

extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law.

(c) Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.

~~(d) (Blank). Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.~~

(e) Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.

(f) Developing and making available a county-wide or multi-county resource guide for minors in need of prevention, intervention, psycho-social, educational support, and other services needed to prevent juvenile delinquency.

(g) Facilitating community based collaboration and perspective on oversight, research, and evaluation of activities, programs, and policies directed towards and impacting the lives of juveniles.

(h) Planning for and supporting applications for Redeploy Illinois, and development of funding for screening, assessment, and risk-appropriate, evidence-informed services to reduce commitments to the Department of Juvenile Justice.

(i) Planning for and supporting the development of funding for screening, assessment, and risk-appropriate, evidence-informed services to youth reentering the community from detention in a county detention center or commitment from the Department of Juvenile Justice.

(3.5) A council which is the sole council serving any part of the area of an established Redeploy Illinois site may, in its discretion, and at the request of the Redeploy Illinois governing body of the site, undertake and maintain governance of the site under Section 16.1 of the Probation and Probation Officers Act.

(4) The council shall have no role in the charging or prosecution of juvenile offenders. (Source: P.A. 90-590, eff. 1-1-99.)".

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

On motion of Senator Link, **House Bill No. 4049** was taken up, read by title a second time and ordered to a third reading.

POSTING NOTICE WAIVED

Senator Lightford moved to waive the six-day posting requirement on **House Bill No. 3683** so that the measure may be heard in the Committee on Judiciary that is scheduled to meet May 19, 2015.

The motion prevailed.

At the hour of 4:08 o'clock p.m., Senator Lightford, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Harmon, **House Bill No. 2814** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3079** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3079

AMENDMENT NO. 1. Amend House Bill 3079 on page 45, by inserting after line 1 the following:

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

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

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On motion of Senator Harmon, **House Bill No. 3086** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3103** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3270** was taken up, read by title a second time. Floor Amendment No. 1 was referred to the Committee on Human Services earlier today. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Link, **House Bill No. 3137** was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENTS

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

Judiciary in Room 400
Higher Education in Room 212
Human Services in Room 409

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

Local Government in Room 409
Criminal Law in Room 400

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. 636

A bill for AN ACT concerning transportation.

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. 636

Passed the House, as amended, May 18, 2015.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 636

AMENDMENT NO. 1. Amend Senate Bill 636 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Aeronautics Act is amended by changing Section 47 as follows:

(620 ILCS 5/47) (from Ch. 15 1/2, par. 22.47)

Sec. 47. Operation without certificate of approval unlawful; applications.) An application for a certificate of approval of an airport or restricted landing area, or the alteration or extension thereof, shall set forth, among other things, the location of all railways, mains, pipes, conduits, wires, cables, poles and other facilities and structures of public service corporations or municipal or quasi-municipal corporations, located within the area proposed to be acquired or restricted, and the names of persons owning the same, to the extent that such information can be reasonably ascertained by the applicant.

It shall be unlawful for any municipality or other political subdivision, or officer or employee thereof, or for any person, to make any alteration or extension of an existing airport or restricted landing area, or to use or operate any airport or restricted landing area, for which a certificate of approval has not been

[May 18, 2015]

issued by the Department; provided, that no certificate of approval shall be required for an airport or restricted landing area which was in existence and approved by the Illinois Aeronautics Commission, whether or not being operated, on or before July 1, 1945, or for the O'Hare Modernization Program as defined in Section 10 of the O'Hare Modernization Act; except that a certificate of approval shall be required under this Section for construction of a new runway at O'Hare International Airport with a geographical orientation that varies from a geographical east-west orientation by more than 10 degrees, or for construction of a new runway at that airport that would result in more than 10 8 runways being available for aircraft operations at that airport. The Department shall supervise, monitor, and enforce compliance with the O'Hare Modernization Act by all other departments, agencies, and units of State and local government.

Provisions of this Section do not apply to special purpose aircraft designated as such by the Department when operating to or from uncertificated areas other than their principal base of operations, provided mutually acceptable arrangements are made with the property owner, and provided the owner or operator of the aircraft assumes liabilities which may arise out of such operations.

(Source: P.A. 93-450, eff. 8-6-03.)

Section 10. The Permanent Noise Monitoring Act is amended by changing Sections 5 and 15 as follows: (620 ILCS 35/5) (from Ch. 15 1/2, par. 755)

Sec. 5. Definitions. As used in this Act:

(a) "Airport" means an airport, as defined in Section 6 of the Illinois Aeronautics Act, that has more than 500,000 aircraft operations (take-offs and landings) per year.

(a-1) "Airport sponsor" means any municipality, as defined in Section 20 of the Illinois Aeronautics Act, that can own and operate an airport.

(a-3) "Annual community noise equivalent level" or "annual CNEL" means the average sound level (on an energy basis), in decibels, of the daily community noise equivalent level over a 12-month period. The annual CNEL is calculated by the following:

$$\text{Annual CNEL} = 10 \log \left[\frac{10}{(1/365) \text{ SIGMA antilog (CNEL}(i)/10)} \right]$$

Where:

(1) CNEL(i) is the daily CNEL for each day in a continuous 12-month period; and

(2) SIGMA means summation.

When the annual CNEL is approximated by measurements on a statistical basis, the number 365 is replaced by the number of days for which measurements are obtained.

(a-5) "Daily community noise equivalent level" or "CNEL" means the 24-hour day average sound level, in decibels, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and night time periods relative to the daytime period. The daily community noise equivalent level is calculated from the hourly noise levels by the following:

$$\text{CNEL} = 10 \log (1/24) [\text{SIGMA antilog (HNLD}/10) + 3 \text{ SIGMA antilog (HNLE}/10) + 10 \text{ SIGMA antilog (HNLN}/10)]$$

Where:

(1) HNLD means the hourly noise levels for the period 7:00 a.m. through 6:59 p.m.;

(2) HNLE means the hourly noise levels for the period 7:00 p.m. through 9:59 p.m.;

(3) HNLN means the hourly noise levels for the period 10:00 p.m. through 6:59 a.m.; and

(4) SIGMA means summation.

(a-8) "Noise exposure level" means the level, in decibels, of the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on the reference pressure of 20 micronewtons per square meter and reference duration of one second.

(a-9) "Noise level" means the sound level measure, in decibels, of an A-weighted sound pressure level as measured using the slow dynamic characteristic for sound level meters specified in American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 as revised by ANSI S1.4A-1985), which is hereby incorporated by reference. The A-weighting characteristic modifies the frequency response of the measuring instrument to account approximately for the frequency characteristics of the human ear. The reference pressure is 20 micronewtons/square meter (2×10^{-4} microbar).

(b) "Permanent noise monitoring system" or "system" means a system that includes at least:

(1) automated noise monitors capable of recording noise levels 24 hours per day 365 days per year; and

[May 18, 2015]

(2) computer equipment sufficient to process the data from each noise monitor so that permanent noise monitoring reports in accordance with Section 15 of this Act can be generated.

(c) "Division" means the Division of Aeronautics of the Illinois Department of Transportation.

(d) (Blank). "~~Ldn~~" means ~~day-night average sound level~~. "~~Day-night average sound level~~" has the meaning ascribed to it in Section 150.7 of Part 150 of Title 14 of the Code of Federal Regulations.

(Source: P.A. 96-37, eff. 7-13-09.)

(620 ILCS 35/15) (from Ch. 15 1/2, par. 765)

Sec. 15. Permanent noise monitoring reports. Beginning in 1993 and through 2008, the Division shall, on June 30th and December 31st of each year, prepare a permanent noise monitoring report and make the report available to the public. Beginning in 2009, the airport sponsor shall, on June 30th and December 31st of each year, prepare a permanent noise monitoring report and make the report available to the public. Copies of the report shall be submitted to: the Office of the Governor; the Office of the President of the Senate; the Office of the Senate Minority Leader; the Office of the Speaker of the House; the Office of the House Minority Leader; the United States Environmental Protection Agency, Region V; and the Illinois Environmental Protection Agency. Beginning in 2009, a copy of the report shall also be submitted to the division. The permanent noise monitoring report shall contain all of the following:

(a) Copies of the actual data collected by each permanent noise monitor in the system.

(b) A summary of the data collected by each permanent noise monitor in the system, showing the data organized by:

- (1) day of the week;
- (2) time of day;
- (3) week of the year;
- (4) type of aircraft; and
- (5) the single highest noise event recorded at each monitor.

(c) Noise contour maps showing the ~~65 annual CNEL Ldn~~, ~~70 annual CNEL Ldn~~ and ~~75 annual CNEL Ldn~~ zones around the airport.

(d) Noise contour maps showing the 65 decibel (dBA), 70 dBA, and 75 dBA zones around the airport for:

- (1) 7:00 a.m. ~~through 6:59 to 10:00 p.m.~~;
- ~~(1.5) 7:00 p.m. through 9:59 p.m.~~;
- (2) 10:00 p.m. ~~through 6:59 to 7:00 a.m.~~; and
- (3) types of aircraft.

(e) The noise contour maps produced under subsections (c) and (d) shall also indicate:

- (1) residential areas (single and multi-family);
- (2) schools;
- (3) hospitals and nursing homes;
- (4) recreational areas, including but not limited to parks and forest preserves;
- (5) commercial areas;
- (6) industrial areas;
- (7) the boundary of the airport;
- (8) the number of residences (single and multi-family) within each contour;
- (9) the number of residents within each contour;
- (10) the number of schools within each contour; and
- (11) the number of school students within each contour.

(f) Through 2008, a certification by the Division that the system was in proper working order during the period or, if it was not, a specific description of any and all problems with the System during the period.

(g) Beginning in 2009, a certification by the airport sponsor that the system was in proper working order during the period or, if it was not, a specific description of any and all problems with the system during the period.

(Source: P.A. 96-37, eff. 7-13-09.)".

Under the rules, the foregoing **Senate Bill No. 636**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 621

[May 18, 2015]

A bill for AN ACT concerning transportation.
SENATE BILL NO. 764
A bill for AN ACT concerning health.
SENATE BILL NO. 1222
A bill for AN ACT concerning local government.
SENATE BILL NO. 1707
A bill for AN ACT concerning safety.
SENATE BILL NO. 1739
A bill for AN ACT concerning State government.
Passed the House, May 18, 2015.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by
Mr. Mapes, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:
SENATE BILL NO. 784
A bill for AN ACT concerning land.
SENATE BILL NO. 1360
A bill for AN ACT concerning business.
SENATE BILL NO. 1588
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 1761
A bill for AN ACT concerning finance.
SENATE BILL NO. 1938
A bill for AN ACT concerning criminal law.
Passed the House, May 18, 2015.

TIMOTHY D. MAPES, Clerk of the House

APPOINTMENT MESSAGES

Appointment Message No. 990209

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

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

Title of Office: Secretary

Agency or Other Body: Illinois Department of Human Services

Start Date: May 18, 2015

End Date: January 16, 2017

Name: James Dimas

Residence: 5135 Hodges Rd., Eldersburg, MD 21784

Annual Compensation: \$150,228

Per diem: Not Applicable

Nominee's Senator: Senator John J. Cullerton

[May 18, 2015]

Most Recent Holder of Office: Gregory Bassi

Superseded Appointment Message: Not Applicable

Appointment Message No. 990210

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

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

Title of Office: Member

Agency or Other Body: Concealed Carry Licensing Review Board

Start Date: May 18, 2015

End Date: January 14, 2019

Name: Joseph Duffy

Residence: 400 East Randolph St., Unit 2901-03, Chicago, IL 60601

Annual Compensation: \$37,571

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Virginia H. Wright

Superseded Appointment Message: Not Applicable

Appointment Message No. 990211

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

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

Title of Office: Member

Agency or Other Body: Illinois Student Assistance Commission

Start Date: May 18, 2015

End Date: June 30, 2017

Name: Selamawi Asgedmon

Residence: 183 S. Grace Ave., Elmhurst, IL 60126

Annual Compensation: Expenses

[May 18, 2015]

Per diem: Not Applicable

Nominee's Senator: Senator Chris Nybo

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Appointment Message No. 990212

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 18, 2015

End Date: January 14, 2019

Name: Alyssa J. Rapp

Residence: 240 Locust Rd., Winnetka, IL 60093

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Deborah Telman

Superseded Appointment Message: Not Applicable

Appointment Message No. 990213

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

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

Title of Office: Member

Agency or Other Body: Illinois International Port District Board

Start Date: June 1, 2015

End Date: June 1, 2020

Name: Paul Chialdikas

[May 18, 2015]

Residence: 11 Melshane Court, Lemont, IL 60439

Annual Compensation: \$20,000

Per diem: Not Applicable

Nominee's Senator: Senator Christine Radogno

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

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

At the hour of 4:17 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, May 19, 2015, at 11:00 o'clock a.m.