



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

113TH LEGISLATIVE DAY

THURSDAY, MAY 12, 2016

12:02 O'CLOCK P.M.

SENATE
Daily Journal Index
113th Legislative Day

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No index entries found.

The Senate met pursuant to adjournment.
Senator Antonio Munóz, Chicago, 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 Wednesday, May 11, 2016, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 2 to Senate Resolution 1152

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

Floor Amendment No. 3 to Senate Bill 1585

Floor Amendment No. 3 to Senate Bill 3020

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. 1 to House Bill 3982

Floor Amendment No. 2 to House Bill 5781

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1859

Offered by Senator Bennett and all Senators:
Mourns the death of Clifton G. Bergeron of Urbana.

SENATE RESOLUTION NO. 1860

Offered by Senator Anderson and all Senators:
Mourns the death of Richard Leo Boens of Coal Valley.

SENATE RESOLUTION NO. 1861

Offered by Senator Oberweis and all Senators:
Mourns the death of Robert E. "Bob" Brent of Aurora.

SENATE RESOLUTION NO. 1862

Offered by Senator Anderson and all Senators:
Mourns the death of Cyril John "C.J." Lehnhardt of Coal Valley.

SENATE RESOLUTION NO. 1863

Offered by Senator Hunter and all Senators:
Mourns the death of Eddie D. Lee of Chicago.

SENATE RESOLUTION NO. 1864

Offered by Senator Hunter and all Senators:
Mourns the death of Teresa "TT" Hooker.

SENATE RESOLUTION NO. 1865

Offered by Senator Koehler and all Senators:
Mourns the death of Dale Edwin Burkland of Peoria Heights.

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

REPORTS FROM STANDING COMMITTEES

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2896
Senate Amendment No. 2 to Senate Bill 2955

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

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred **House Bills Numbered 5948 and 6021**, reported the same back with the recommendation that the bills do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities and Pensions, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 6030

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

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 1761, 1782 and 1783**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 1761, 1782 and 1783** were placed on the Secretary's Desk.

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolution No. 1152**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 1152** was placed on the Secretary's Desk.

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 582, 3217, 5540, 5668 and 6123**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 1 to House Bill 6031

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

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

Senate Amendment No. 1 to Senate Bill 1059
Senate Amendment No. 1 to Senate Bill 2596

[May 12, 2016]

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bill No. 2262**, reported the same back with the recommendation that the bill do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bill No. 3549**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 516

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 3760, 5598 and 5938**, reported the same back with the recommendation that the bills do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends be approved for consideration:

Senate Amendment No. 2 to Senate Bill 322

Senate Amendment No. 3 to Senate Bill 322

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 335, 4036, 4360, 4486, 4645, 4820, 4999, 5576 and 5683**, reported the same back with the recommendation that the bills do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 4715, 5010, 6125 and 6292**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 1 to House Bill 940

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

Senator Cunningham, Chairperson of the Committee on Agriculture, to which was referred **House Bills Numbered 4558 and 6084**, reported the same back with the recommendation that the bills do pass.

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

Senator Cunningham, Chairperson of the Committee on Agriculture, to which was referred **House Bill No. 4318**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Holmes, Chairperson of the Committee on Commerce and Economic Development, to which was referred **Senate Resolution No. 1753**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 1753** was placed on the Secretary's Desk.

Senator Holmes, Chairperson of the Committee on Commerce and Economic Development, to which was referred **House Bill No. 5785**, reported the same back with the recommendation that the bill do pass.

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

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

Senate Amendment No. 1 to Senate Bill 3080

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

Senator Hunter, Chairperson of the Committee on Energy and Public Utilities, to which was referred **Senate Resolution No. 1719**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 1719** was placed on the Secretary's Desk.

Senator Hunter, Chairperson of the Committee on Energy and Public Utilities, to which was referred **House Bills Numbered 5539 and 5711**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 4 to Senate Bill 2417

Senate Amendment No. 3 to Senate Bill 2920

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

Senator Koehler, Chairperson of the Committee on Environment and Conservation, to which was referred **House Bill No. 6321**, reported the same back with the recommendation that the bill do pass.

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

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 990222, 990227, 990228, 990246, 990247, 990254, 990255, 990257, 990258, 990259, 990260, 990261, 990266, 990272, 990280, 990281, 990287, 990288, 990289, 990290, 990293, 990327, 990357, 990369, 990389, 990432, 990451 and 990477**, reported the same back with the recommendation that the Senate do advise and consent.

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

COMMITTEE REPORT CORRECTION

On May 10, 2016, the Senate Committee on Public Health reported House Bill 4576 as having been postponed in its report to the Senate. House Bill 4576 should have been reported to the Senate with a recommendation of "Do Pass as Amended".

[May 12, 2016]

MESSAGE FROM THE HOUSE

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

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

HOUSE JOINT RESOLUTION NO. 117

WHEREAS, The members of the Illinois General Assembly are proud to pay tribute to those who have given their lives to protect and serve the citizens of this State; and

WHEREAS, Twenty-seven year old Illinois State Trooper John Kugelman was a 3-year veteran of the Illinois State Police; a former military police officer, he was on the waiting list to become a Chicago police officer when he was hired by the Illinois State Police and assigned to District 2 in Elgin; and

WHEREAS, On November 10, 1986, Trooper John Kugelman was manning a roadblock in order to subdue a parole violator who led police on an 85 MPH chase; leaving his squad car, he attempted to halt the suspect's car while on foot when he was struck and killed by the suspect; and

WHEREAS, After his tragic passing, Trooper John Kugelman was posthumously promoted to the rank of Sergeant; and

WHEREAS, Trooper John Kugelman was survived by his wife, Janice; his parents; his sister, Beth; and his nephew; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the Illinois State Toll Highway Authority and the Illinois Department of Transportation to rename the I-355/I-290 Interchange near Itasca as the Trooper John Kugelman Memorial Interchange in honor of Trooper John Kugelman and his great dedication and selflessness in serving our State; and be it further

RESOLVED, That the Illinois State Toll Highway Authority and the Illinois Department of Transportation are requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name of the Trooper John Kugelman Memorial Interchange; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Illinois State Toll Highway Authority, the Illinois Department of Transportation, and the family of Trooper John Kugelman.

Adopted by the House, May 11, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 117 was referred to the Committee on Assignments.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator L. Murphy moved that **Senate Resolution No. 1552**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator L. Murphy moved that Senate Resolution No. 1552 be adopted.

The motion prevailed.

And the resolution was adopted.

[May 12, 2016]

Senator L. Murphy moved that **Senate Resolution No. 1553**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator L. Murphy moved that Senate Resolution No. 1553 be adopted.

The motion prevailed.

And the resolution was adopted.

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 322** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was previously recommended do adopt by the Committee on Executive.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 322

AMENDMENT NO. 2. Amend Senate Bill 322, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Interstate Compact for Fair Representation Act.

Section 5. Interstate Compact for Fair Representation. The Governor is hereby authorized to enter into a compact on behalf of this State with any state of the United States legally joining therein in the form substantially as follows:

INTERSTATE COMPACT FOR FAIR REPRESENTATION

Article I - Membership.

Any state of the United States may become a member of this Interstate Compact for Fair Representation by enacting this agreement.

Article II - Definitions.

In this agreement the following words have the meanings indicated:

(a) "Coalition district" means a district where more than one group of racial minorities or language minorities may form a coalition to elect the candidate of the coalition's choice.

(b) "Commission" means the independent redistricting commission established by the compacting states under this agreement.

(c) "Communities of interest" means a group of people concentrated in a geographic area, such as a specific region or neighborhood, who share similar social, cultural, ethnic, economic, religious, or political interests and priorities.

(d) "Competitive district" means a district that has a substantially equal partisan balance.

(e) "Crossover district" means a district where a racial minority or language minority constitutes less than a majority of the voting-age population but where this minority, at least potentially, is large enough to elect the candidate of its choice with help from voters who are members of the majority and who cross over to support the minority's preferred candidate.

(f) "District" means a congressional or state legislative district.

(g) "Influence district" means a district where a racial minority or language minority can influence the outcome of an election even if its preferred candidate cannot be elected.

(h) "Language minority" means a class of voters who are members of a language group receiving protection under the federal Voting Rights Act.

(i) "Member state" means each state that has enacted this agreement.

(j) "Plan" means the redistricting plan drawn for a member state by the commission under this agreement.

(k) "Racial minority" means a class of voters who are members of a race or color group receiving protection under the federal Voting Rights Act.

Article III - Independent redistricting commission.

[May 12, 2016]

Each member state shall establish an independent redistricting commission. Each member of the commission shall serve a 10-year term. The following applies to the selection of the members of the commission:

(a) The selection process is intended to produce a commission that is independent from legislative influence and reasonably representative of the member state's diversity.

(b) The commission shall consist of 14 members: 5 who are affiliated with the largest political party in the member state; 5 who are affiliated with the second largest political party in the member state; and 4 who are not affiliated with either of the two largest political parties in the member state.

(c) To be considered affiliated with one of the 2 largest political parties in the member state, a commission member must have voted in 3 of the last 4 statewide primary elections for the same political party. To be considered unaffiliated with either of the 2 largest political parties in the member state, a commission member must have either (i) voted in no more than one of the last four statewide primary elections or (ii) voted for a political party that is not one of the 2 largest political parties in the member state in 2 or more of the last 4 statewide primary elections. An unaffiliated commission member who has made campaign contributions to one or both of the 2 largest political parties in the member state may not have contributed more to one party than the other, as determined by the state auditor.

(d) The commission must reflect the race and gender demographics of the state;

(e) To the extent practicable, the commission should represent distinct geographic regions of the state according to population distribution;

(f) To be eligible to become a member of the commission, an individual may not:

(1) hold an elected office;

(2) be a candidate for an elected office;

(3) be the spouse, parent, or child of an individual who holds an elected office or is a candidate for elected office;

(4) serve as an officer, an employee, or a paid consultant of a political party or candidate campaign for elected office;

(5) be a registered lobbyist; or

(6) have held elected office or run as a candidate for elected office at any time during the ten-year period ending on December 31 preceding the date of appointment.

The state auditor shall accept applications from the member state's residents who meet the above qualifications for service on the commission. From the applicant pool, the state auditor shall, no later than May 1 of the year following a federal decennial census, select 60 of the most qualified applicants, including a subpool of 20 who are affiliated with the largest political party in the member state, a subpool of 20 who are affiliated with the second largest political party in the member state, and a subpool of 20 who are not affiliated with either of the two largest political parties in the member state. These applicants shall be selected on the basis of relevant analytical skills, ability to be impartial, and appreciation for the member state's diverse demographics and geography.

The state auditor shall present its pool of recommended applicants to the state legislature. The leaders of the political party with the greatest number of seats in each chamber of the state legislature, and the leaders of the political party with the second greatest number of seats in each chamber of the state legislature, may each strike up to 2 applicants from each subpool of 20 for a total of 8 possible strikes per subpool. If the member state has a unicameral legislature, the leader of the political party with the greatest number of seats in the state legislature and the leader of the political party with the second greatest number of seats in the state legislature may each strike up to 4 applicants from each subpool of 20. After all legislative leaders have exercised their strikes, and no later than May 15 of the year following a federal decennial census, the state legislature shall present the pool of remaining names to the state auditor.

No later than June 1 of the year following a federal decennial census, the state auditor shall randomly draw 8 names from the remaining pool of applicants as follows: 3 from the remaining subpool of applicants affiliated with the largest political party in the member state; 3 from the remaining subpool of applicants affiliated with the second largest political party in the member state; and 2 from the remaining subpool of applicants who are not affiliated with either of the 2 largest political parties in the member state. These 8 individuals shall serve on commission.

No later than July 1 of the year following a federal decennial census, the 8 commissioners shall review the remaining names in the pool of applicants and appoint 6 applicants to the commission as follows: 2 from the remaining subpool of applicants affiliated with the largest political party in the member state; 2 from the remaining subpool of applicants affiliated with the second largest political party in the member state; and 2 from the remaining subpool of applicants who are not affiliated with either of the 2 largest

political parties in the member state. The 6 appointees must be approved by at least 5 affirmative votes, which must include at least 2 votes of commissioners affiliated with each of the 2 largest parties and one vote from a commissioner who is not affiliated with either of the 2 largest political parties in the member state.

If the member state does not have a state auditor, the responsibilities of the state auditor set forth in this Compact shall be performed by a special master appointed by a majority of the judges of the member state's highest court.

Article IV - Vacancy.

A vacancy in the commission shall be filled in the manner in which the original appointment was made.

Article V - Independent redistricting plan.

The commission shall develop a redistricting plan for the member state's congressional and state legislative districts. The commission's starting point for drawing the plan shall be the member state's census tract map according to the most recent federal decennial census. Adjustments to the map shall then be made as necessary to accomplish the goals as set forth below. Each district shall, in order of priority:

(a) be substantially equal in population;

(b) be consistent with the federal Voting Rights Act and any other applicable federal or state law;

(c) provide racial minorities and language minorities with the equal opportunity to participate in the political process and elect candidates of their choice;

(d) create crossover districts, coalition districts, or influence districts to provide racial minorities and language minorities who constitute less than a voting-age majority of a district with an opportunity to control or substantially influence the outcome of an election;

(e) be contiguous, except to the extent necessary to include any area which is surrounded by a body of water;

(f) respect, to the extent practicable, communities of interest as determined on the basis of census tract or other relevant information;

(g) respect, to the extent practicable, visible geographic features, city, town, and county boundaries, and undivided census tracts;

(h) be compact; and

(i) not consider the place of residence of any incumbent or political candidate in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to goals (a) through (i).

Article VI - Population count.

The population count used for the purpose of creating the independent redistricting plan shall count individuals incarcerated in state or federal correctional facilities, as determined by the federal decennial census, at their last known residence before incarceration if the individuals were residents of the member state. The population count may not include individuals incarcerated in state or federal correctional facilities who were not residents of the state before their incarceration.

Article VII - Voting.

Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. The final redistricting maps must be approved by at least nine affirmative votes which must include at least 3 votes of members affiliated with each of the 2 largest political parties in the member state and 3 votes from members who are not affiliated with either of these 2 political parties.

Article VIII - Timing.

The commission shall adopt a redistricting plan following each federal decennial census. The commission shall not adopt any redistricting plan mid-decade before the next federal decennial census.

Article IX - Internet website.

As soon as practicable after establishing the commission, the member state shall establish and maintain a public Internet website for the commission which meets all of the following requirements:

(a) The site is updated continuously to provide advance notice of commission hearings and to otherwise provide timely information on the activities of the commission.

[May 12, 2016]

(b) The site contains the most recent available information from the United States Bureau of the Census on voting-age population, voter registration, and voting in the state, including precinct-level and census tract-level data as well as detailed maps reflecting such information.

(c) The site includes interactive software that enables any individual to design a redistricting plan for the member state in accordance with the criteria described in Article IV.

(d) The site permits any individual to submit a proposed redistricting plan to the commission, and to submit questions, comments, and other information with respect to the commission's activities.

Article X - Public hearings.

The commission shall operate in an open and transparent manner and shall solicit public feedback in drawing a plan. The commission shall hold public hearings in distinct geographic regions of the state according to population distribution at which members of the public may provide input, including submitting proposed redistricting plans. The commission shall hold at least one public hearing in each congressional district and shall hold the following minimum number of hearings:

(a) A member state with at least 3 congressional districts shall hold at least 6 hearings.

(b) A member state with no fewer than 3 but not more than 6 congressional districts shall hold at least 8 hearings.

(c) A member state with no fewer than 6 but not more than 9 congressional districts shall hold at least 12 hearings.

(d) A member state with no fewer than 9 but not more than 15 congressional districts shall hold at least 18 hearings.

(e) A member state with no fewer than 15 but not more than 20 congressional districts shall hold at least 22 hearings.

(f) A member state with more than 20 congressional districts shall hold at least one hearing for each district plus 5 additional hearings.

Article XI - Public notice.

(a) Hearings. Not fewer than 7 days before a public hearing, the commission shall issue public notice of the hearing time and location, including but not limited to posting the notice on the commission's website.

(b) Certification to Secretary of State. Not fewer than 7 days before certifying a redistricting plan to the Secretary of State, the commission shall issue public notice, including but not limited to posting the notice on the commission's web site. The notice shall contain the following information:

(1) A detailed version of the plan, including a map showing each district established under the plan and the voting-age population by race of each district;

(2) A statement providing specific information on the commission's methodology for drawing the plan and how the plan would serve the public interest;

(3) Any dissenting statements of any members of the commission who did not approve of the plan.

Article XII - Certification to Secretary of State.

By September 1 of the year following a federal decennial census, the commission shall approve final maps that separately set forth the district boundary lines for the member state's congressional and state legislative districts. Upon approval, the commission shall certify the final maps to the member state's Secretary of State. The commission shall issue, with each final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in Article V and shall include definitions of the terms and standards used in drawing each final map. An approved redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State. If the member state does not have a Secretary of State, the responsibilities of the Secretary of State set forth in this Compact shall be performed by the Secretary of the Commonwealth or other state official designated by the member state's chief executive.

Article XIII - Judicial review.

If the commission does not approve a final map by at least the requisite votes or if a final map is not certified to the Secretary of State by September 15 of the year following a federal decennial census, the

Secretary of State shall immediately petition the highest court of the member state for an order directing the appointment of special masters to adjust the boundary lines of that map in accordance with the redistricting criteria and requirements set forth in Article V. Upon its approval of the special masters' map, the court shall certify the resulting map to the Secretary of State no later than October 1 of the year following a federal decennial census, and that map shall constitute the certified final map for the district.

Article XIV - Other laws.

Nothing in this agreement shall be construed, applied, or implemented in a way that imposes any requirement or obligation that conflicts with the United States Constitution or any federal law regarding redistricting congressional or state legislative districts, including, but not limited to, the Voting Rights Act.

Article XV - Effective date.

The several states are invited to concur in this agreement by enactment of a similar act. This agreement shall take effect when every state with three or more congressional districts at the time of redistricting has enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state. It shall continue in effect if a member state with 3 congressional districts loses a district following a federal decennial census occurring after the agreement takes effect. If, following a federal decennial census occurring after the agreement takes effect, a non-member state is entitled to an additional congressional district that would bring the non-member state's total number of congressional districts to 3 or more, the agreement shall be suspended until the non-member state enacts this agreement and the enactment takes effect.

The chief executive of each member state shall promptly notify the chief executive of all other states when this agreement has been enacted in that official's state or when the state has withdrawn from this agreement.

Article XVI - Withdrawal.

Any member state may withdraw from this agreement, except that a withdrawal occurring 6 months or less before a general election in which any Congressional or state legislative seat is on the ballot shall not become effective until after the election results are certified.

Article XVII - Compliance.

A member state is not required to comply with this compact if:

- (a) the commission of any member state fails to adopt a redistricting plan; or
- (b) the Attorney General of any member state determines that another member state has repealed, replaced, or failed to implement any aspect of this compact, including but not limited to failing to establish an independent redistricting commission or failing to implement the district map adopted by the commission.

Article XVIII - Severability.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article XIX - Enforcement.

The agencies and officers of each member state and its subdivisions shall enforce this compact and do all things appropriate to effect its purpose and intent that may be within their respective jurisdictions, including but not limited to adopting any legislation or regulations necessary to implement this agreement.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 322

AMENDMENT NO. 3. Amend Senate Bill 322, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 9, line 10, by replacing "practicable, competitive" with "practicable: (1) competitive"; and

on page 9, by replacing line 12 with the following:

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"goals (a) through (i); and (2) member states shall consider amending any structural rules governing legislative districts, including, but not limited to, requirements that districts are nested, if amending the rules will further provide racial and language minorities with the equal opportunity to participate in the political process; create crossover, coalition, or influence districts; or respect communities of interest."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Raoul, **Senate Bill No. 322** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 42; NAYS 6; Present 9.

The following voted in the affirmative:

Althoff	Haine	Manar	Rezin
Anderson	Harmon	Martinez	Sandoval
Bennett	Harris	McCann	Silverstein
Bertino-Tarrant	Hastings	McCarter	Stadelman
Biss	Holmes	McGuire	Steans
Bush	Hunter	Morrison	Sullivan
Clayborne	Hutchinson	Mulroe	Trotter
Collins	Jones, E.	Muñoz	Van Pelt
Cullerton, T.	Koehler	Murphy, L.	Mr. President
Cunningham	Lightford	Noland	
Forby	Link	Raoul	

The following voted in the negative:

McConchie	Nybo	Rose
Murphy, M.	Righter	Syverson

The following voted present:

Barickman	Connelly	McConnaughay
Bivins	Delgado	Oberweis
Brady	Luechtefeld	Weaver

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

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

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 3011** was recalled from the order of third reading to the order of second reading.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3011

[May 12, 2016]

AMENDMENT NO. 3. Amend Senate Bill 3011, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 50, line 1, by deleting "1"; and

on page 53, line 10, by deleting "the".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 3011**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Mulroe, further consideration of **Senate Bill No. 3011** was postponed.

INTRODUCTION OF BILL

SENATE BILL NO. 3427. Introduced by Senator L. Murphy, a bill for AN ACT concerning revenue.

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

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 bills of the following titles, to-wit:

SENATE BILL NO. 2524

A bill for AN ACT concerning State government.

SENATE BILL NO. 2601

A bill for AN ACT concerning State government.

SENATE BILL NO. 2611

A bill for AN ACT concerning revenue.

SENATE BILL NO. 2741

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2783

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2963

A bill for AN ACT concerning safety.

SENATE BILL NO. 2984

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2985

A bill for AN ACT concerning regulation.

Passed the House, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2823

A bill for AN ACT concerning education.

[May 12, 2016]

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

House Amendment No. 2 to SENATE BILL NO. 2823
Passed the House, as amended, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2823

AMENDMENT NO. 2. Amend Senate Bill 2823 on page 1, line 16, by replacing "a structure" with "residential property".

Under the rules, the foregoing **Senate Bill No. 2823**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2864

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 2864

House Amendment No. 3 to SENATE BILL NO. 2864

Passed the House, as amended, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2864

AMENDMENT NO. 1. Amend Senate Bill 2864 by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by changing Sections 18 and 22.5 as follows: (15 ILCS 520/18) (from Ch. 130, par. 37)

Sec. 18. The State Treasurer shall make a monthly report to the Governor giving a detailed statement of the balances on deposit in the several banks or savings and loan associations, and the amount paid by each such bank or savings and loan association as interest on moneys so deposited. Such statement shall contain the name of each bank or savings and loan association, and the amount in such bank or savings and loan association subject to draft at the close of business on the last day of the month for which the report is made, and on the last day of the month next preceding. A copy of such report shall be retained by the Treasurer and shall be made available for inspection by the public at any reasonable time. The Treasurer may satisfy the requirements of this Section by posting the monthly report on the Treasurer's official Internet website.

(Source: P.A. 83-541.)

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

(For force and effect of certain provisions, see Section 90 of P.A. 94-79)

Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

[May 12, 2016]

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

(1) Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

(2) Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of either corporations or limited liability companies organized in the United States with assets exceeding \$500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 270 days from the date of purchase, (ii) the purchases do not exceed 10% of

the corporation's or the limited liability company's outstanding obligations, (iii) no more than one-third of the public agency's funds are invested in short-term obligations of either corporations or limited liability companies, and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 identified as a forbidden entity, as that term is defined in Section 1-110.6 of the Illinois Pension Code, by an independent researching firm that specializes in global security risk that has been engaged by the State Treasurer.

(7.5) Obligations of either corporations or limited liability companies organized in the United States, that have a significant presence in this State, with assets exceeding \$500,000,000 if: (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature more than 270 days, but less than 5 years, from the date of purchase; (ii) the purchases do not exceed 10% of the corporation's or the limited liability company's outstanding obligations; (iii) no more than 5% of the public agency's funds are invested in such obligations of corporations or limited liability companies; and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 of the Illinois Pension Code. The authorization of the Treasurer to invest in new obligations under this paragraph shall expire on June 30, 2019.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.

For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities, taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1.

(Source: P.A. 96-469, eff. 8-14-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-870, eff. 1-21-10; 97-277, eff. 8-8-11.)

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

AMENDMENT NO. 3 TO SENATE BILL 2864

AMENDMENT NO. 3. Amend Senate Bill 2864, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Treasurer Act is amended by changing Section 17 as follows:
(15 ILCS 505/17) (from Ch. 130, par. 17)

Sec. 17. The State Treasurer may establish and administer both a Public Treasurers' Investment Pool and an E-Pay program to supplement and enhance both the investment opportunities and the secure electronic payment options otherwise available to other custodians of public funds for public agencies in this State.

The Treasurer, in administering the Public Treasurers' Investment Pool, may receive public funds paid into the pool by any other custodian of such funds and may serve as the fiscal agent of that custodian of public funds for the purpose of holding and investing those funds.

The Treasurer may invest the public funds constituting the Public Treasurers' Investment Pool in the same manner, in the same types of investments and subject to the same limitations provided for the investment of funds in the State Treasury. The Treasurer shall develop, publish, and implement an

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investment policy covering the management of funds in the Public Treasurers' Investment Pool. The policy shall be published each year as part of the audit of the Public Treasurers' Investment Pool by the Auditor General, which shall be distributed to all participants. The Treasurer shall notify all Public Treasurers' Investment Pool participants in writing, and the Treasurer shall publish in at least one newspaper of general circulation in both Springfield and Chicago any changes to a previously published investment policy at least 30 calendar days before implementing the policy. Any such investment policy adopted by the Treasurer shall be reviewed, and updated if necessary, within 90 days following the installation of a new Treasurer.

The Treasurer shall promulgate such rules and regulations as he deems necessary for the efficient administration of the Public Treasurers' Investment Pool and the E-Pay program, including specification of minimum amounts which may be deposited in the Pool and minimum periods of time for which deposits shall be retained in the Pool. The rules shall provide for the administration expenses of the Pool to be paid from its earnings and for the interest earnings in excess of such expenses to be credited or paid monthly to the several custodians of public funds participating in the Pool in a manner which equitably reflects the differing amounts of their respective investments in the Pool and the differing periods of time for which such amounts were in the custody of the Pool.

Upon creating a Public Treasurers' Investment Pool the State Treasurer shall give bond with 2 or more sufficient sureties, payable to custodians of public funds who participate in the Pool for the benefit of the public agencies whose funds are paid into the Pool for investment, in the penal sum of \$150,000, conditioned for the faithful discharge of his duties in relation to the Public Treasurers' Investment Pool.

"Public funds" and "public agency", as used in this Section have the meanings ascribed to them in Section 1 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as amended.

This amendatory Act of 1975 is not a limit on any home rule unit.

After the effective date of this amendatory Act of the 99th General Assembly, participation in the Public Treasurers' Investment Pool shall not be a prerequisite for participation in the Treasurer's E-Pay program. (Source: P.A. 97-537, eff. 8-23-11.)

Section 10. The Deposit of State Moneys Act is amended by changing Sections 18 and 22.5 as follows: (15 ILCS 520/18) (from Ch. 130, par. 37)

Sec. 18. The State Treasurer shall make a monthly report to the Governor giving a detailed statement of the balances on deposit in the several banks or savings and loan associations, and the amount paid by each such bank or savings and loan association as interest on moneys so deposited. Such statement shall contain the name of each bank or savings and loan association, and the amount in such bank or savings and loan association subject to draft at the close of business on the last day of the month for which the report is made, and on the last day of the month next preceding. A copy of such report shall be retained by the Treasurer and shall be made available for inspection by the public at any reasonable time. The Treasurer may satisfy the requirements of this Section by posting the monthly report on the Treasurer's official Internet website.

(Source: P.A. 83-541.)

(15 ILCS 520/22.5) (from Ch. 130, par. 41a)

(For force and effect of certain provisions, see Section 90 of P.A. 94-79)

Sec. 22.5. Permitted investments. The State Treasurer may, with the approval of the Governor, invest and reinvest any State money in the treasury which is not needed for current expenditures due or about to become due, in obligations of the United States government or its agencies or of National Mortgage Associations established by or under the National Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages that are underwritten, insured, guaranteed, or purchased by the Federal Home Loan Mortgage Corporation or in Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act. All such obligations shall be considered as cash and may be delivered over as cash by a State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, purchase any state bonds with any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on the bonds. The bonds shall be considered as cash and may be delivered over as cash by the State Treasurer to his successor.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the treasury that is not needed for current expenditure due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in shares, withdrawable accounts, and investment certificates of savings and building and loan

associations, incorporated under the laws of this State or any other state or under the laws of the United States; provided, however, that investments may be made only in those savings and loan or building and loan associations the shares and withdrawable accounts or other forms of investment securities of which are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may not invest State money in any savings and loan or building and loan association unless a commitment by the savings and loan (or building and loan) association, executed by the president or chief executive officer of that association, is submitted in the following form:

The Savings and Loan (or Building and Loan) Association pledges not to reject arbitrarily mortgage loans for residential properties within any specific part of the community served by the savings and loan (or building and loan) association because of the location of the property. The savings and loan (or building and loan) association also pledges to make loans available on low and moderate income residential property throughout the community within the limits of its legal restrictions and prudent financial practices.

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury which is not needed for current expenditure, due or about to become due, or any money in the State Treasury which has been set aside and held for the payment of the principal of and the interest on any State bonds, in participations in loans, the principal of which participation is fully guaranteed by an agency or instrumentality of the United States government; provided, however, that such loan participations are represented by certificates issued only by banks which are incorporated under the laws of this State or any other state or under the laws of the United States, and such banks, but not the loan participation certificates, are insured by the Federal Deposit Insurance Corporation.

The State Treasurer may, with the approval of the Governor, invest or reinvest any State money in the Treasury that is not needed for current expenditure, due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and the interest on any State bonds, in any of the following:

(1) Bonds, notes, certificates of indebtedness, Treasury bills, or other securities now or hereafter issued that are guaranteed by the full faith and credit of the United States of America as to principal and interest.

(2) Bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and instrumentalities.

(2.5) Bonds, notes, debentures, or other similar obligations of a foreign government, other than the Republic of the Sudan, that are guaranteed by the full faith and credit of that government as to principal and interest, but only if the foreign government has not defaulted and has met its payment obligations in a timely manner on all similar obligations for a period of at least 25 years immediately before the time of acquiring those obligations.

(3) Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act.

(4) Interest-bearing accounts, certificates of deposit, or any other investments constituting direct obligations of any savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States.

(5) Dividend-bearing share accounts, share certificate accounts, or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of the credit union must be located within the State of Illinois.

(6) Bankers' acceptances of banks whose senior obligations are rated in the top 2 rating categories by 2 national rating agencies and maintain that rating during the term of the investment.

(7) Short-term obligations of either corporations or limited liability companies organized in the United States with assets exceeding \$500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 270 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's or the limited liability company's outstanding obligations, (iii) no more than one-third of the public agency's funds are invested in short-term obligations of either corporations or limited liability companies, and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 identified

as a forbidden entity, as that term is defined in Section 1-110.6 of the Illinois Pension Code, by an independent researching firm that specializes in global security risk that has been engaged by the State Treasurer.

(7.5) Obligations of either corporations or limited liability companies organized in the United States, that have a significant presence in this State, with assets exceeding \$500,000,000 if: (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature more than 270 days, but less than 5 years, from the date of purchase; (ii) the purchases do not exceed 10% of the corporation's or the limited liability company's outstanding obligations; (iii) no more than 5% of the public agency's funds are invested in such obligations of corporations or limited liability companies; and (iv) the corporation or the limited liability company has not been placed on the list of restricted companies by the Illinois Investment Policy Board under Section 1-110.16 of the Illinois Pension Code. The authorization of the Treasurer to invest in new obligations under this paragraph shall expire on June 30, 2019.

(8) Money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of the money market mutual fund is limited to obligations described in this Section and to agreements to repurchase such obligations.

(9) The Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act or in a fund managed, operated, and administered by a bank.

(10) Repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of that Act and the regulations issued thereunder.

(11) Investments made in accordance with the Technology Development Act.

For purposes of this Section, "agencies" of the United States Government includes:

(i) the federal land banks, federal intermediate credit banks, banks for cooperatives, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto;

(ii) the federal home loan banks and the federal home loan mortgage corporation;

(iii) the Commodity Credit Corporation; and

(iv) any other agency created by Act of Congress.

The Treasurer may, with the approval of the Governor, lend any securities acquired under this Act. However, securities may be lent under this Section only in accordance with Federal Financial Institution Examination Council guidelines and only if the securities are collateralized at a level sufficient to assure the safety of the securities, taking into account market value fluctuation. The securities may be collateralized by cash or collateral acceptable under Sections 11 and 11.1.

(Source: P.A. 96-469, eff. 8-14-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-870, eff. 1-21-10; 97-277, eff. 8-8-11.)

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

Under the rules, the foregoing **Senate Bill No. 2864**, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2038

A bill for AN ACT concerning appropriations.

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

House Amendment No. 2 to SENATE BILL NO. 2038

Passed the House, as amended, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 SENATE BILL 2038

AMENDMENT NO. 2. Amend Senate Bill 2038, by replacing everything after the enacting clause and inserting the following:

"ARTICLE 1

[May 12, 2016]

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Department of Human Services for income assistance and related distributive purposes, including such Federal funds as are made available by the Federal Government for the following purposes:

DISTRIBUTIVE ITEMS
GRANTS-IN-AID

Payable from Commitment to Human Services Fund:	
For Funeral and Burial Expenses under	
Articles III, IV, and V, including	
prior year costs	4,122,000
For costs associated with the	
Illinois Welcoming Centers	686,500
For Grants and Administrative	
Expenses associated with Immigrant	
Integration Services and for other	
Immigrant Services pursuant to 305 ILCS	
5/12-4.34	<u>2,764,000</u>
Total	<u>\$7,572,500</u>

Section 10. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

MENTAL HEALTH GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

Payable from the Commitment to Human Services Fund:	
For all costs and administrative expenses for Community	
Service Programs for Persons with Mental Illness; Child and	
Adolescent Mental Health Programs; Community Hospital	
Inpatient & Psych Services; Evaluation Determination,	
Disposition, & Assessment; Jail Data Link Project;	
Juvenile Justice Trauma Program; Regions Special Consumer	
Supports & Mental Health Services; Rural Behavioral Health	
Access; Supported Residential; the Living Room; and all	
other Services to persons	
with Mental Illness	64,549,800
For Psychiatric Leadership Grants	12,366,000
Payable from the Department of	
Human Services Community Services Fund:	
For Community Service Grant Programs for	
Persons with Mental Illness including	
administrative costs.....	15,000,000
Payable from the Commitment to Human Services Fund:	
For costs associated with the Purchase and	
Disbursement of Psychotropic Medications	
for Mentally Ill Clients in the Community	861,900
For Supportive MI Housing	7,289,400
For costs associated with the Specialized	
Mental Health Rehabilitative Facility	
Community Programs	734,300
For the costs associated with Mental Health	
Balancing Incentive Programs	3,592,500

Section 15. The sum of \$7,500,000, or so much thereof as may be necessary, is appropriated to the Department of Human Services from the Health and Human Services Medicaid Trust Fund for Supportive MI Housing.

Section 20. The following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for Grants-In-Aid and Purchased Care in its various regions pursuant to Sections 3 and 4 of the Community Services Act and the Community Mental Health Act:

DEVELOPMENTAL DISABILITIES GRANTS AND PROGRAM SUPPORT
GRANTS-IN-AID AND PURCHASED CARE

Payable from the Commitment to Human Services Fund:

For a grant to the Autism Program for an Autism Diagnosis Education Program for Individuals.....	1,969,400
For a Grant to Best Buddies	447,700
For a grant to the ARC of Illinois for the Life Span Project	215,900
For Dental Grants for People with Developmental Disabilities.....	451,600
For out-of-State residential services for people with Developmental Disabilities	229,000
For Respite Care Services.....	4,020,300
For Epilepsy Services	<u>950,400</u>
Total	\$8,284,300

Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Human Services for Payments to Community Providers and Administrative Expenditures, including such Federal funds as are made available by the Federal Government for the following purpose:

Payable from Autism Research Checkoff Fund:

For costs associated with autism research.....	100,000
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Payable from Autism Awareness Fund:

For costs associated with autism awareness.....	100,000
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Section 30. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT
GRANTS-IN-AID

Payable from Commitment to Human Services Fund:

For costs associated with Community Based Addiction Treatment Services	23,783,400
For costs associated with Addiction Treatment Services for Special Populations.....	<u>2,516,100</u>
Total	\$26,299,500

Payable from State Gaming Fund:

For Costs Associated with Treatment of Individuals who are Compulsive Gamblers	1,029,500
For Addiction Treatment and Related Services: Payable from Youth Drug Abuse Prevention Fund.....	530,000
For Grants and Administrative Expenses Related to Addiction Treatment and Related Services: Payable from Drunk and Drugged Driving Prevention Fund	3,212,200
Payable from Drug Treatment Fund	5,105,800
For underwriting the cost of housing for groups of recovering individuals: Payable from Group Home Loan Revolving Fund.....	<u>200,000</u>
Total	\$10,077,500

Section 35. The sum of \$223,900, or as much thereof is necessary, is appropriated from the Commitment to Human Services Fund to the Department of Human Services for a pilot program to study uses and effects of medication assisted treatments for addiction and for the prevention of relapse to opioid dependence in publicly-funded treatment program.

Section 40. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Human Services:

HOME SERVICES PROGRAM
GRANTS-IN-AID

For all costs and administrative expenses
associated with Community Reintegration program:

Payable from Commitment to Human Services Fund 565,300
 Section 45. The following named amount, or so much thereof as may be necessary, respectively,
 is appropriated to the Department of Human Services:

REHABILITATION SERVICES BUREAUS

Payable from the Commitment to Human Services Fund:

For Support Services In-Service Training 6,800

Section 50. The following named amounts, or so much thereof as may be necessary,
 respectively, are appropriated from the Commitment to Human Services fund to the Department of Human
 Services:

REHABILITATION SERVICES BUREAUS
 GRANTS-IN-AID

For Case Services to Individuals..... 3,549,300

For all costs associated with the Rehabilitation

Services Balancing Incentive Programs 1,076,300

For Grants to Independent Living Centers 1,923,500

For Independent Living Older Blind Grant 60,000

For Case Services to Migrant Workers 8,400

For Federal match for Supported Employment Programs 46,700

For Case Services to Individuals:

Payable from the Illinois

Veterans' Rehabilitation Fund..... 2,413,700

Section 55. The following named amounts, or so much thereof as may be necessary,
 respectively, for the objects hereinafter named, are appropriated to the Department of Human Services for
 Family and Community Services and related distributive purposes, including such Federal funds as are
 made available by the Federal government for the following purposes:

FAMILY AND COMMUNITY SERVICES
 GRANTS-IN-AID

Payable from Commitment to Human Services Fund:

For Expenses for the Development and

Implementation of Project Cornerstone 194,100

For Emergency Food Program,

Including Operating and Administrative Costs 98,700

For Homeless Prevention 446,600

For a grant to Children's Place for costs
 associated with specialized child care

for families affected by HIV/AIDS 174,600

For Grants and administrative expenses

for Programs to Reduce

Infant Mortality, provide

Case Management and Outreach

Services, and for the

Intensive Prenatal Performance Project 15,098,000

For Costs Associated with

Teen Parent Services 458,000

For Grants for Community Services, including

operating and administrative costs 2,290,000

For Grants and Administrative Expenses

of the Westside Health Authority Crisis

Intervention 134,300

Payable from the Commitment to Human Services Fund:

For Grants and Administrative Expenses

of Addiction Prevention and Related Services 458,900

Payable from Youth Alcoholism and Substance

Abuse Prevention Fund:

For Grants and Administrative Expenses

of Addiction Prevention and Related

Services 1,050,000

Payable from the Commitment to Human Services Fund:

For Grants and Administrative Expenses

of Supportive Housing Services.....	5,038,000
For Grants and Administrative Expenses of the Comprehensive Community-Based Services to Youth	6,949,700
For Grants and Administrative Expenses of Redeploy Illinois	1,958,000
For Grants and Administrative Expenses for Homeless Youth Services.....	2,083,900
For grants to provide Assistance to Sexual Assault Victims and for Sexual Assault Prevention Activities.....	2,757,700
For Grants and Administrative Expenses for After School Youth Support Programs.....	5,954,000
For Grants and Administrative Expenses for at-risk community support programs, after school programs, and youth employment opportunities.....	3,206,000
For Grants and Administrative Expenses Related to the Healthy Families Program	4,494,900
For Parents Too Soon Program.....	3,075,800
Payable from the Assistance to the Homeless Fund: For costs related to Providing Assistance to the Homeless including operating and administrative costs and grants	300,000
Payable from the Illinois Affordable Housing Trust Fund:	
For Homeless Youth Services.....	1,000,000
For Grants and Administrative Expenses For Homelessness Prevention	3,000,000
For Grants and Administrative Expenses For Emergency and Transitional Housing.....	9,383,700
Payable from the Health and Human Service Medicaid Trust Fund: For grants for Supportive Housing Services.....	3,382,500
Payable from Sexual Assault Services Fund: For Grants Related to the Sexual Assault Services Program	100,000
Payable from the Sexual Assault Services and Prevention Fund: For Grants and administrative expenses of the Sexual Assault Services and Prevention Program.....	600,000
Payable from the Housing for Families Fund: For Grants for Housing for Families	100,000

ARTICLE 2

Section 5. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Healthcare and Family Services for the purposes hereinafter named:
PROGRAM ADMINISTRATION

Payable from Public Aid Recoveries Trust Fund: For costs associated with Information Technology Infrastructure necessary To satisfy all Intergovernmental Agreements with the State of Michigan.....	5,400,000
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ARTICLE 3

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for expenses of programs related to Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV):
OFFICE OF HEALTH PROTECTION: AIDS/HIV

Payable from the Commitment to Human Services Fund:

For Expenses of AIDS/HIV Education, Drugs, Services, Counseling, Testing, Outreach to Minority populations, costs associated with correctional facilities Referral and Partner Notification (CTRPN), and Patient and Worker Notification pursuant to Public Act 87-763	10,534,000
For grants and other expenses for the prevention and treatment of HIV/AIDS and the creation of an HIV/AIDS service delivery system to reduce the disparity of HIV infection and AIDS cases between African-Americans and other population groups	<u>572,500</u>
Total	\$11,106,500

Section 10. The following named amount, or as much thereof as may be necessary is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from the Commitment to Human Services Fund:

For Expenses for Breast and Cervical Cancer Screenings, minority outreach, and other Related Activities	5,038,000
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Section 15. The following named amounts, or as much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF WOMEN'S HEALTH

Payable from Commitment to Human Services Fund:

For Expenses associated with School Health Centers.....	527,200
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Payable from Tobacco Settlement Recovery Fund:

For costs associated with Children's Health Programs	1,229,700
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Section 20. The following named amount, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the Tobacco Settlement

Recovery Fund:

For grants and administrative expenses for the Community Health Center Expansion Program and healthcare workforce providers in Health Professional Shortage Areas (HPSAs) in Illinois	1,364,600
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Section 25. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF HEALTH PROMOTION

Payable from the Commitment to Human Services Fund:

For expenses of Sudden Infant Death Syndrome (SIDS) Program	111,900
For Expenses for the University of Illinois Sickle Cell Clinic.....	221,600
For Prostate Cancer Awareness	67,100

Payable from the Prostate Cancer Research Fund:

For grants to Public and Private Entities in Illinois for Prostate Cancer Research.....	<u>30,000</u>
Total	\$430,600

Section 30. The following named sum, or so much thereof as may be necessary, is appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF PREPAREDNESS AND RESPONSE

Payable from the Commitment to Human Services Fund:

For grants to MCHC Chicago Hospital Council
for the support of the Illinois
Poison Control Center..... 916,000

ARTICLE 4

Section 5. The following named amounts, or so much thereof as may be necessary, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

OPERATIONS

Payable from the Commitment to Human Services Fund:

For Expenses of the Provisions of
the Statewide Centralized Abuse,
Neglect, Financial Exploitation and
Self-Neglect Act 9,160,000
For Expenses of the Senior Employment
Specialist Program..... 85,100
For Expenses of the Grandparents
Raising Grandchildren Program 134,300
For expenses associated with Home Delivered
Meals (formula and non-formula)..... 5,203,600
For Specialized Training Program 22,400
For Expenses of the Illinois Department
on Aging for Monitoring and Support
Services 81,500
For Expenses of the Illinois
Council on Aging 11,600
For Administrative Expenses of the
Senior Meal Program..... 14,000
For Benefits, Eligibility, Assistance
and Monitoring 827,600
For the expenses of the Senior Helpline..... 624,000
Total \$16,164,100

Payable from the Long Term Care Ombudsman Fund:

For Expenses of the Long Term Care
Ombudsman Fund 2,600,000

Payable from the Department on Aging

State Projects Fund:

For Expenses of Private
Partnership Projects 345,000

Section 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Commitment to Human Services Fund for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

GRANTS-IN-AID

For Grants for Retired Senior
Volunteer Program 247,000
For Planning and Service Grants to
Area Agencies on Aging..... 3,457,100
For Grants for the Foster
Grandparent Program..... 108,000
For Expenses to the Area Agencies
on Aging for Long-Term Care Systems
Development 109,000
For the Ombudsman Program 603,700
For Grants for Community Based Services for

equal distribution to each of the 13
 Area Agencies on Aging 336,300
 Total \$4,861,100

Payable from the Tobacco Settlement

Recovery Fund:

For Grants and Administrative

Expenses of Senior Health

Assistance Programs 1,600,000

Section 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Department on Aging:

DISTRIBUTIVE ITEMS

COMMUNITY CARE

Payable from Commitment to Human Services Fund:

For grants and for administrative expenses associated with the purchase of services covered by the Community

Care Program, including prior year costs 189,164,400

For the Balancing Incentive Program 1,556,500

For grants and for administrative expenses associated with Comprehensive Case Coordination, including prior year

costs 27,201,000

Total \$217,921,900

ARTICLE 5

Section 5. The sum of \$3,893,000, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Illinois Criminal Justice Information Authority for administrative costs, awards and grants for the Adult Redeploy and Diversion Programs.

Section 10. The sum of \$420,000, or so much thereof as may be necessary, is appropriated from the ICJIA Violence Prevention Special Projects Fund to the Illinois Criminal Justice Information Authority for the purpose of awarding grants, contracts, administrative expenses and all related costs for the Safe From the Start Program.

Section 15. The amount of \$410,600, or so much thereof as may be necessary, is appropriated from the ICJIA Violence Prevention Special Projects Fund to the Illinois Criminal Justice Information Authority for grants and administrative expenses for Franklin County Juvenile Detention Center for Methamphetamine Pilot Program.

Section 20. The amount of \$4,375,000, or so much thereof as may be necessary, is appropriated from the ICJIA Violence Prevention Special Projects Fund to the Illinois Criminal Justice Information Authority for grants and administrative expenses related to YouthBuild programming.

ARTICLE 6

Section 5. The following named amount, or so much thereof as may be necessary, respectively is appropriated to the Department of Commerce and Economic Opportunity:

OFFICE OF COMMUNITY DEVELOPMENT

GRANTS

Payable from the Commitment to Human Services Fund:

For a grant to the Illinois African American Family Commission for the costs associated with assisting State agencies in developing programs, services, public policies and research strategies that will expand and enhance the social and economic well-being of African American children and families

343,500

For grants, contracts, and administrative expenses associated with the Northeast

DuPage Special Recreation Association 114,500

Total \$458,000

ARTICLE 7

Section 5. The following named sum, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

Payable from the Commitment to Human Services Fund:

For Lincoln’s Challenge 1,266,500

ARTICLE 8

Section 5. The sum of \$343,500, or so much thereof as may be necessary, is appropriated from the Commitment to Human Services Fund to the Department of Transportation for a grant to the Illinois Latino Family Commission for the costs associated with the assisting State agencies in developing programs, services, public policies and research strategies that will expand and enhance the social and economic well-being of Latino children and families.

ARTICLE 9

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Revenue:

PAYABLE FROM RENTAL HOUSING SUPPORT PROGRAM FUND

For current and all prior years’ costs

of rental assistance to the Rental Housing Support Program, administered by the Illinois Housing Development Authority.....

43,000,000

Section 10. The sum of \$65,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for grants, (down payment assistance, rental subsidies, security deposit subsidies, technical assistance, outreach, building an organization’s capacity to develop affordable housing projects and other related purposes), mortgages, loans, or for the purpose of securing bonds pursuant to the Illinois Affordable Housing Act, administered by the Illinois Housing Development Authority.

Section 15. The sum of \$3,000,000, or so much thereof as may be necessary, is appropriated from the Illinois Affordable Housing Trust Fund to the Department of Revenue for grants to other state agencies for rental assistance, supportive living and adaptive housing.

Section 20. The sum of \$25,000,000, new appropriation, is appropriated and the sum of \$15,000,000, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2016, from appropriations and reappropriations heretofore made in Article 35, Section 30 of Public Act 98-0679 is reappropriated from the Federal HOME Investment Trust Fund to the Department of Revenue for the Illinois HOME Investment Partnerships Program administered by the Illinois Housing Development Authority.

Section 25. The sum of \$8,500,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 30. The sum of \$11,000,000, or so much thereof as may be necessary, is appropriated from the Foreclosure Prevention Program Graduated Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Foreclosure Prevention Program.

Section 35. The sum of \$15,000,000, or so much thereof as may be necessary, is appropriated from the Abandoned Residential Property Municipality Relief Fund to the Department of Revenue for administration by the Illinois Housing Development Authority, for grants and administrative expenses pursuant to the Abandoned Residential Property Municipality Relief Program.

ARTICLE 996

Section 996. No appropriation authority granted in this Act shall be used for personal services, state contribution for employee group insurance, contractual services, travel, commodities, equipment, permanent improvements, land, electronic data processing, operation of automotive equipment, or telecommunications services, as those terms are defined in Section 13 of the State Finance Act.

ARTICLE 997

Section 997. All appropriation authority granted in this Act shall be used only for costs for services for which spending authority has not been authorized for fiscal year 2016 by any order of any court.

ARTICLE 998

Section 998. The appropriation authority granted in this Act shall be valid for costs incurred prior to July 1, 2016.

ARTICLE 999

Section 999. Effective date. This Act takes effect upon becoming law.”.

Under the rules, the foregoing **Senate Bill No. 2038**, with House Amendment No. 2, was referred to the Secretary's Desk.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 133

WHEREAS, The City of Springfield has been the capital of Illinois since 1839, when then-Governor Thomas Carlin issued a proclamation ordering the relocation of all State records from Vandalia to Springfield; and

WHEREAS, The City of Springfield is home to the main offices of the Executive Branch, the Legislative Branch, and the Judicial Branch of Illinois State government; and

WHEREAS, With a large reduction in the State workforce over the last several years, Springfield has suffered significant job losses; and

WHEREAS, As home to the majority of State government activity, it is essential that the capital of Illinois is also home to as many State employees as possible in order to ensure that Illinois runs in an efficient and productive manner; and

WHEREAS, Advances in technology and increased connectivity throughout the State have made it easier than ever for the State workforce to be centrally located in Springfield; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge each State agency under the direction of the Office of the Governor, as well as the offices of Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Treasurer, and the 4 caucuses of the General Assembly to prepare an agency or office workforce report; and be it further

RESOLVED, That the workforce reports should include the following information for all employees under the Personnel Code, as well as employees not listed under the Personnel Code:

- (1) the number of employees in each county in this State;
- (2) the division and facility, if applicable, that each of these employees is stationed;
- (3) the position number, general working title, and a brief description of job duties of each of these employees; and
- (4) the justification as to why these positions, specifically upper and middle management positions, could not be located in Springfield; and be it further

RESOLVED, That the workforce reports would not need to include detailed information relating to direct service workers, but should list the number of these positions in each title by county, division, and facility; and be it further

RESOLVED, That moving forward, as the State of Illinois begins to fill vacant positions, we urge all State agencies and the offices of all constitutional officers to consider filling any vacant position in Springfield first, as Springfield is the home of State government; and be it further

RESOLVED, That we urge all State agencies to have their workforce reports completed and submitted to the Office of the Governor and the General Assembly by August 31, 2016; and be it further

RESOLVED, That we urge the offices of each constitutional officer to have their workforce reports completed and submitted to the General Assembly by August 31, 2016; and be it further

[May 12, 2016]

RESOLVED, That suitable copies of this resolution be delivered to the Office of the Governor to direct each State agency to complete a workforce report, and the Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and the Treasurer to direct their offices to complete a workforce report.

Adopted by the House, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 133 was referred to the Committee on Assignments.

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

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

HOUSE JOINT RESOLUTION NO. 136

WHEREAS, The members of the Illinois General Assembly are pleased to honor those who have given their lives to protect the people of this State; and

WHEREAS, Deputy Sheriff Elizabeth Mazella Edwards, the youngest daughter of Wayne and Nancie "Susie" Edwards, was born on June 2, 1979; she attended Hardin County schools, where she had many, many friends; she was active in softball, band, and cross-country; and

WHEREAS, In May of 1997, Deputy Sheriff Edwards was baptized at the Hardin County Church of Christ; she graduated from Hardin County High School and spent a year at Freed-Hardeman University in Henderson, Tennessee, and attended Southeastern Illinois College; and

WHEREAS, After the events of September 11, 2001, Deputy Sheriff Edwards joined the United States Army Reserves and proudly served her country; she went on to serve in another capacity, becoming a Deputy for the Hardin County Sheriffs Department in the fall of 2005; and

WHEREAS, Deputy Sheriff Edwards was killed in the line of duty while responding to a traffic accident on February 12, 2006; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Illinois Route 146 from the Pope County line to the city limits of Elizabethtown as the Deputy Elizabeth Edwards Memorial Highway; and be it further

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

RESOLVED, That suitable copies of this resolution be presented to the family of Deputy Elizabeth Edwards and the Secretary of the Illinois Department of Transportation.

Adopted by the House, May 12, 2016.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 136 was referred to the Committee on Assignments.

[May 12, 2016]

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 2 to Senate Bill 2038

APPOINTMENT MESSAGES

Appointment Message No. 990503

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 (DCFS Youth Advisory Board)

Agency or Other Body: Children and Family Services Advisory Council

Start Date: May 9, 2016

End Date: January 16, 2020

Name: Tyshiana Jackson

Residence: 1626 S. Loveland Ave., Springfield, IL 62703

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Andy Manar

Most Recent Holder of Office: New Position

Superseded Appointment Message: Appointment Message 485 of the 99th General Assembly

Appointment Message No. 990504

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: Children and Family Services Advisory Council

Start Date: May 9, 2016

End Date: January 16, 2019

Name: Alicen McGowan

Residence: 1901 Strenger Ln., Riverwoods, IL 60015

[May 12, 2016]

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Terry Link

Most Recent Holder of Office: Cathy McCoy

Superseded Appointment Message: Appointment Message 486 of the 99th General Assembly

Appointment Message No. 990505

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: Children and Family Services Advisory Council

Start Date: May 9, 2016

End Date: January 16, 2019

Name: Maria Pesqueira

Residence: 5227 S. Newland Ave., Chicago, IL 60638

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Martin A. Sandoval

Most Recent Holder of Office: Marina Ammendola

Superseded Appointment Message: Appointment Message 481 of the 99th General Assembly

Appointment Message No. 990506

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: Children and Family Services Advisory Council

Start Date: May 9, 2016

End Date: January 16, 2019

Name: Derek Velazco

Residence: 6763 Manchester Dr., Maryville, IL 62062

[May 12, 2016]

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William R. Haine

Most Recent Holder of Office: Jill Glick

Superseded Appointment Message: Appointment Message 489 of the 99th General Assembly

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

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 516** was recalled from the order of third reading to the order of second reading.

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

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 516

AMENDMENT NO. 2. Amend Senate Bill 516 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 17-2 as follows:

(105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

Sec. 17-2. Tax levies; purposes; rates. Except as otherwise provided in Articles 12 and 13 of this Act, the following maximum rates shall apply to all taxes levied after August 10, 1965, in districts having a population of less than 500,000 inhabitants, including those districts organized under Article 11 of the School Code. The school board of any district having a population of less than 500,000 inhabitants may levy a tax annually, at not to exceed the maximum rates and for the specified purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue as follows:

(1) districts maintaining only grades 1 through 8, .92% for educational purposes and .25% for operations and maintenance purposes;

(2) districts maintaining only grades 9 through 12, .92% for educational purposes and .25% for operations and maintenance purposes;

(3) districts maintaining grades 1 through 12, 1.63% for the 1985-86 school year, 1.68% for the 1986-87 school year, 1.75% for the 1987-88 school year and 1.84% for the 1988-89 school year and thereafter for educational purposes and .405% for the 1989-90 school year, .435% for the 1990-91 school year, .465% for the 1991-92 school year, and .50% for the 1992-93 school year and thereafter for operations and maintenance purposes;

(4) all districts, 0.75% for capital improvement purposes (which is in addition to the levy for operations and maintenance purposes), which tax is to be levied, accumulated for not more than 6 years, and spent for capital improvement purposes (including but not limited to the construction of a new school building or buildings or the purchase of school grounds on which any new school building is to be constructed or located, or both) only in accordance with Section 17-2.3 of this Act;

(5) districts maintaining only grades 1 through 8, .12% for transportation purposes, provided that districts maintaining only grades kindergarten through 8 which have an enrollment of at least 2600 students may levy, subject to Section 17-2.2, at not to exceed a maximum rate of .20% for transportation purposes for any school year in which the number of students requiring transportation in the district exceeds by at least 2% the number of students requiring transportation in the district during the preceding school year, as verified in the district's claim for pupil transportation and reimbursement and as certified by the State Board of Education to the county clerk of the county in which such district is located not later than November 15 following the submission of such claim; districts maintaining only grades 9 through 12, .12% for transportation purposes; and districts maintaining grades 1 through 12, .14% for the 1985-86 school year, .16% for the 1986-87 school year, .18% for the 1987-88 school year and .20% for the 1988-89 school year and thereafter, for transportation purposes;

[May 12, 2016]

(6) districts providing summer classes, .15% for educational purposes, subject to Section 17-2.1 of this Act.

Whenever any special charter school district operating grades 1 through 12, has organized or shall organize under the general school law, the district so organized may continue to levy taxes at not to exceed the rate at which taxes were last actually extended by the special charter district, except that if such rate at which taxes were last actually extended by such special charter district was less than the maximum rate for districts maintaining grades 1 through 12 authorized under this Section, such special charter district nevertheless may levy taxes at a rate not to exceed the maximum rate for districts maintaining grades 1 through 12 authorized under this Section, and except that if any such district maintains only grades 1 through 8, the board may levy, for educational purposes, at a rate not to exceed the maximum rate for elementary districts authorized under this Section.

Notwithstanding any other provision of law, beginning in levy year 2016, a school district that contains a federal military installation and is eligible to receive impact aid under Section 8003(b) of the federal Elementary and Secondary Education Act or any successor program may levy taxes for any of the following purposes at a rate that exceeds the maximum rate set forth in this Section, Section 17-2.2a, or Section 17-2.2c, as applicable, provided that the district's maximum aggregate tax rate for all of those purposes may not exceed the minimum tax rate required to qualify for basic support payments under the Section 8003(b) impact aid program:

- (1) for educational purposes;
- (2) for operations and maintenance purposes;
- (3) for special education programs;
- (4) for leasing educational facilities or computer technology or both; or
- (5) for transportation purposes.

Maximum rates before or after established in excess of those prescribed shall not be affected by the amendatory Act of 1965.

(Source: P.A. 87-984; 87-1023; 88-45.)

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 foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 516** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 16.

The following voted in the affirmative:

Bennett	Harris	Manar	Stadelman
Bertino-Tarrant	Hastings	Martinez	Steans
Biss	Holmes	McGuire	Sullivan
Bush	Hunter	Mulroe	Trotter
Clayborne	Hutchinson	Muñoz	Van Pelt
Collins	Jones, E.	Murphy, L.	Mr. President
Cullerton, T.	Koehler	Noland	
Cunningham	Landek	Raoul	
Haine	Lightford	Sandoval	
Harmon	Link	Silverstein	

The following voted in the negative:

[May 12, 2016]

Althoff	McCarter	Oberweis	Weaver
Bivins	McConchie	Rezin	
Brady	McConnaughay	Righter	
Connelly	Murphy, M.	Rose	
Luechtefeld	Nybo	Syverson	

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

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

SENATE BILL RECALLED

On motion of Senator Rose, **Senate Bill No. 1059** was recalled from the order of third reading to the order of second reading.

Senator Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1059

AMENDMENT NO. 1. Amend Senate Bill 1059 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 3 as follows:

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

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

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

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government, a qualified rehabilitation facility, a qualified domestic violence shelter or service, or a qualified child advocacy center. (For definition of "retired employee", see (p) post).

(b-5) (Blank).

(b-6) (Blank).

(b-7) (Blank).

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

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of

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

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

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

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

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

(i) "Director" means the Director of the Illinois Department of Central Management Services.

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

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code and persons who otherwise meet this definition of "employee" but are ineligible to participate in the retirement system established under Article 15 of the Illinois Pension Code because they received a

distribution of vested amounts pursuant to subsection (j) of Section 15-158.2 of the Illinois Pension Code while eligible to retire under Article 15 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes (i) each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, (ii) each employee in the service of a qualified rehabilitation facility, (iii) each full-time employee in the service of a qualified domestic violence shelter or service, and (iv) each full-time employee in the service of a qualified child advocacy center, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor. In the case of an annuitant or retired employee who first becomes an annuitant or retired employee on or after the effective date of this amendatory Act of the 97th General Assembly, the individual must meet the minimum vesting requirements of the applicable retirement system in order to be eligible for group insurance benefits under that system. In the case of a survivor who first becomes a survivor on or after the effective date of this amendatory Act of the 97th General Assembly, the deceased employee, annuitant, or retired employee upon whom the annuity is based must have been eligible to participate in the group insurance system under the applicable retirement system in order for the survivor to be eligible for group insurance benefits under that system.

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

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

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

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

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

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

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

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

(q-5) (Blank).

(q-6) (Blank).

(q-7) (Blank).

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

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

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

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

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

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and

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

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

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) natural, step, adjudicated, or adopted child who is (i) under age 26, (ii) was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who has a mental or physical disability from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child).

"TRS dependent beneficiary" does not include, as indicated under paragraph (2) of this subsection (w), a dependent of the survivor of a TRS benefit recipient who first becomes a dependent of a survivor of a TRS benefit recipient on or after the effective date of this amendatory Act of the 97th General Assembly unless that dependent would have been eligible for coverage as a dependent of the deceased TRS benefit recipient upon whom the survivor benefit is based.

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

(y) (Blank).

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

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

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

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

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) natural, step, adjudicated, or adopted child who is (i) under age 26, or (ii) age 19 or over and has a mental or physical disability from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child).

"Community college dependent beneficiary" does not include, as indicated under paragraph (2) of this subsection (aa), a dependent of the survivor of a community college benefit recipient who first becomes a dependent of a survivor of a community college benefit recipient on or after the effective date of this amendatory Act of the 97th General Assembly unless that dependent would have been eligible for coverage as a dependent of the deceased community college benefit recipient upon whom the survivor annuity is based.

(bb) "Qualified child advocacy center" means any Illinois child advocacy center and its administrative offices funded by the Department of Children and Family Services, as defined by the Children's Advocacy Center Act (55 ILCS 80/), approved by the Director and participating in a program created under subsection (n) of Section 10.

(Source: P.A. 98-488, eff. 8-16-13; 99-143, eff. 7-27-15.)

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 foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Rose, **Senate Bill No. 1059** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Manar	Righter
Anderson	Haine	Martinez	Rose
Barickman	Harmon	McCann	Sandoval
Bennett	Harris	McConaughay	Silverstein
Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Holmes	Mulroe	Stears
Bivins	Hunter	Muñoz	Sullivan
Brady	Hutchinson	Murphy, L.	Syverson
Bush	Jones, E.	Murphy, M.	Trotter
Clayborne	Koehler	Noland	Weaver
Collins	Landek	Nybo	Mr. President
Connelly	Lightford	Oberweis	
Cullerton, T.	Link	Raoul	
Cunningham	Luechtefeld	Rezin	

[May 12, 2016]

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 2202** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2202

AMENDMENT NO. 2. Amend Senate Bill 2202 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-19-1 as follows:

(65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

Sec. 11-19-1. Contracts.

(a) Any city, village or incorporated town may make contracts with any other city, village, or incorporated town or with any person, corporation, or county, or any agency created by intergovernmental agreement, for more than one year and not exceeding 30 years relating to the collection and final disposition, or relating solely to either the collection or final disposition of garbage, refuse and ashes. A municipality may contract with private industry to operate a designated facility for the disposal, treatment or recycling of solid waste, and may enter into contracts with private firms or local governments for the delivery of waste to such facility. In regard to a contract involving a garbage, refuse, or garbage and refuse incineration facility, the 30 year contract limitation imposed by this Section shall be computed so that the 30 years shall not begin to run until the date on which the facility actually begins accepting garbage or refuse. The payments required in regard to any contract entered into under this Division 19 shall not be regarded as indebtedness of the city, village, or incorporated town, as the case may be, for the purpose of any debt limitation imposed by any law.

(a-5) If a municipality with a population of less than 1,000,000 located in a county as defined in the Solid Waste and Recycling Program Act has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then the municipality may not award a franchise unless:

(1) the municipality provides prior written notice to all haulers licensed to provide waste hauling service in that municipality of the municipality's intent to issue a request for proposal under this Section;

(2) the municipality adopts an ordinance requiring each licensed hauler, for a period of no less than 36 continuous months commencing on the first day of the month following the effective date of such ordinance, to report every 6 months to the municipality the number of non-residential locations served by the hauler in the municipality and the number of non-residential locations contracting with the hauler for the recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act; and

(3) the report to the municipality required under paragraph (2) of this subsection

(a-5) for the final 6 months of that 36-month period establishes that less than 50% of the non-residential locations in the municipality contract for recyclable material collection services pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act.

All such reports shall be filed with the municipality by the hauler on or before the last day of the month following the end of the 6-month reporting period. Within 15 days after the last day for licensed haulers to file such reports, the municipality shall post on its website: (i) the information provided by each hauler pursuant to paragraph (2) of this subsection (a-5), without identifying the hauler; and (ii) the aggregate number of non-residential locations served by all licensed haulers in the municipality and the aggregate number of non-residential locations contracting with all licensed haulers in the municipality for the recyclable materials collection service under Section 10 of the Solid Waste Hauling and Recycling Program Act.

(a-10) Beginning at the conclusion of the 36-month reporting period and thereafter, and upon written request of the municipality, each licensed hauler shall, for every 6-month period, report to the municipality (i) the number of non-residential locations served by the hauler in the municipality and the number of non-

residential locations contracting with the hauler for the recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act, (ii) an estimate of the quantity of recyclable materials, in tons, collected by the hauler in the municipality from non-residential locations contracting with the hauler for recyclable materials collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act, and (iii) an estimate of the quantity of municipal waste, in tons, collected by the hauler in the municipality from those non-residential locations. All reports for that 6-month period shall be filed with the municipality by the hauler on or before the last day of the month following the end of the 6-month reporting period. Within 15 days after the last day for licensed haulers to file such reports, the municipality shall post on its website: (i) the information provided by each hauler pursuant to this subsection (a-10), without identifying the hauler; and (ii) the aggregate number of non-residential locations served by all licensed haulers in the municipality and the aggregate number of non-residential locations contracting with all licensed haulers in the municipality for the recyclable materials collection service under Section 10 of the Solid Waste Hauling and Recycling Program Act.

A municipality subject to subsection (a-5) of this Section may not award a franchise unless 2 consecutive 6-month reports determine that less than 50% of the non-residential locations within the municipality contract for recyclable material collection service pursuant to Section 10 of the Solid Waste Hauling and Recycling Program Act.

(b) If a municipality with a population of less than 1,000,000 has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then that municipality may not award such a franchise without issuing a request for proposal. The municipality may not issue a request for proposal without first: (i) holding at least one public hearing seeking comment on the advisability of issuing a request for proposal and awarding a franchise; (ii) providing at least 30 days' written notice of the hearing, delivered by first class mail to all private entities that provide non-residential waste collection services within the municipality that the municipality is able to identify through its records; and (iii) providing at least 30 days' public notice of the hearing.

After issuing a request for proposal, the municipality may not award a franchise without first: (i) allowing at least 30 days for proposals to be submitted to the municipality; (ii) holding at least one public hearing after the receipt of proposals on whether to award a franchise to a proposed franchisee; and (iii) providing at least 30 days' public notice of the hearing. At the public hearing, the municipality must disclose and discuss the proposed franchise fee or calculation formula of such franchise fee that it will receive under the proposed franchise.

(b-5) If no request for proposal is issued within 120 days after the initial public hearing required in subsection (b), then the municipality must hold another hearing as outlined in subsection (b).

(b-10) If a municipality has not awarded a franchise within 210 days after the date that a request for proposal is issued pursuant to subsection (b), then the municipality must adhere to all of the requirements set forth in subsections (b) and (b-5).

(b-15) The franchise fee and any other fees, taxes, or charges imposed by the municipality in connection with a franchise for the collection of waste from non-residential locations must be used exclusively for costs associated with administering the franchise program.

(c) If a municipality with a population of less than 1,000,000 has never awarded a franchise to a private entity for the collection of waste from non-residential locations, then a private entity may not begin providing waste collection services to non-residential locations under a franchise agreement with that municipality at any time before the date that is 15 months after the date the ordinance or resolution approving the award of the franchise is adopted.

(d) For purposes of this Section, "waste" means garbage, refuse, or ashes as defined in Section 11-19-2.

(e) A home rule unit may not award a franchise to a private entity for the collection of waste in a manner contrary to the provisions of this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) On and after the effective date of this amendatory Act of the 99th General Assembly, a municipality with a population under 1,000,000 shall not award a franchise to, or enter into a contract with, a private entity that includes open top temporary roll-off dumpster service. This subsection shall not prohibit the renewal of any such franchise or contract that includes open top temporary roll-off dumpster service irrespective of whether the contract or franchise automatically renews, is amended or is subject to a new request for proposal after the effective date of this amendatory Act of the 99th General Assembly.

A home rule municipality may not award a franchise to, or enter into a contract with, a private entity that includes open top temporary roll-off dumpster service in a manner inconsistent with this subsection.

This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.
(Source: P.A. 98-1079, eff. 8-26-14.)

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 foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 2202** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

Bush

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

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 2596** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2596

AMENDMENT NO. 1. Amend Senate Bill 2596 by replacing everything after the enacting clause with the following:

[May 12, 2016]

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11A as follows:

(5 ILCS 375/6.11A)

Sec. 6.11A. Physical therapy and occupational therapy.

(a) The program of health benefits provided under this Act shall provide coverage for medically necessary physical therapy and occupational therapy when that therapy is ordered for the treatment of autoimmune diseases or referred for the same purpose by (i) a physician licensed under the Medical Practice Act of 1987, (ii) a physician's assistant licensed under the Physician's Assistant Practice Act of 1987, or (iii) an advanced practice nurse licensed under the Nurse Practice Act. Physical therapy benefits provided for persons affected by multiple sclerosis shall be governed by the Illinois Essential Health Benefits plan.

(b) For the purpose of this Section, "medically necessary" means any care, treatment, intervention, service, or item that will or is reasonably expected to:

- (i) prevent the onset of an illness, condition, injury, disease, or disability;
- (ii) reduce or ameliorate the physical, mental, or developmental effects of an illness, condition, injury, disease, or disability; or
- (iii) assist the achievement or maintenance of maximum functional activity in performing daily activities.

(c) The coverage required under this Section shall be subject to the same deductible, coinsurance, waiting period, cost sharing limitation, treatment limitation, calendar year maximum, or other limitations as provided for other physical or rehabilitative or occupational therapy benefits covered by the policy.

(d) Upon request of the reimbursing insurer, the provider of the physical therapy or occupational therapy shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued treatment is medically necessary. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of the diagnosis, proposed treatment by type, proposed frequency of treatment, anticipated duration of treatment, anticipated outcomes stated as goals, and proposed frequency of updating the treatment plan.

(e) When making a determination of medical necessity for treatment, an insurer must make the determination in a manner consistent with the manner in which that determination is made with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any challenge to medical necessity may be viewed as reasonable only if the review includes a licensed health care professional with the same category of license as the professional who ordered or referred the service in question and with expertise in the most current and effective treatment.

(Source: P.A. 96-1227, eff. 1-1-11; 97-604, eff. 8-26-11)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 2596** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Forby	Martinez	Sandoval
Anderson	Haine	McCann	Silverstein
Barickman	Harmon	McConnaughay	Stadelman
Bennett	Harris	McGuire	Stears
Bertino-Tarrant	Hastings	Morrison	Sullivan
Biss	Holmes	Mulroe	Syverson
Bivins	Hunter	Muñoz	Trotter

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Brady	Hutchinson	Murphy, L.	Van Pelt
Bush	Jones, E.	Murphy, M.	Weaver
Clayborne	Koehler	Noland	Mr. President
Collins	Landek	Nybo	
Connelly	Lightford	Raoul	
Cullerton, T.	Link	Rezin	
Cunningham	Manar	Rose	

The following voted present:

Oberweis

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 2896** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2896

AMENDMENT NO. 2. Amend Senate Bill 2896 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 7-144 and 7-172 as follows:
(40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

Sec. 7-144. Retirement annuities - Suspended during employment.

(a) If any person receiving any annuity again becomes an employee and receives earnings from employment in a position requiring him, or entitling him to elect, to become a participating employee, then the annuity payable to such employee shall be suspended as of the 1st day of the month coincidental with or next following the date upon which such person becomes such an employee, unless the person is authorized under subsection (b) of Section 7-137.1 of this Code to continue receiving a retirement annuity during that period. Upon proper qualification of the participating employee payment of such annuity may be resumed on the 1st day of the month following such qualification and upon proper application therefor. The participating employee in such case shall be entitled to a supplemental annuity arising from service and credits earned subsequent to such re-entry as a participating employee.

Notwithstanding any other provision of this Article, an annuitant shall be considered a participating employee if he or she returns to work as an employee with a participating employer and works more than 599 hours annually (or 999 hours annually with a participating employer that has adopted a resolution pursuant to subsection (e) of Section 7-137 of this Code). Each of these annual periods shall commence on the month and day upon which the annuitant is first employed with the participating employer following the effective date of the annuity.

(a-5) If any annuitant under this Article must be considered a participating employee per the provisions of subsection (a) of this Section, and the participating municipality or participating instrumentality that employs or re-employs that annuitant knowingly fails to notify the Board to suspend the annuity, the participating municipality or participating instrumentality may be required to reimburse the Fund for an amount up to one-half of the total of any annuity payments made to the annuitant after the date the annuity should have been suspended, as determined by the Board. In no case shall the total amount repaid by the annuitant plus any amount reimbursed by the employer to the Fund be more than the total of all annuity payments made to the annuitant after the date the annuity should have been suspended. This subsection shall not apply if the annuitant returned to work for the employer for less than 12 months.

The Fund shall notify all annuitants that they must notify the Fund immediately if they return to work for any participating employer. The notification by the Fund shall occur upon retirement and no less than annually thereafter in a format determined by the Fund. The Fund shall also develop and maintain a system

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to track annuitants who have returned to work and notify the participating employer and annuitant at least annually of the limitations on returning to work under this Section.

(b) Supplemental annuities to persons who return to service for less than 48 months shall be computed under the provisions of Sections 7-141, 7-142 and 7-143. In determining whether an employee is eligible for an annuity which requires a minimum period of service, his entire period of service shall be taken into consideration but the supplemental annuity shall be based on earnings and service in the supplemental period only. The effective date of the suspended and supplemental annuity for the purpose of increases after retirement shall be considered to be the effective date of the suspended annuity.

(c) Supplemental annuities to persons who return to service for 48 months or more shall be a monthly amount determined as follows:

(1) An amount shall be computed under subparagraph b of paragraph (1) of subsection (a) of Section 7-142, considering all of the service credits of the employee;

(2) The actuarial value in monthly payments for life of the annuity payments made before suspension shall be determined and subtracted from the amount determined in (1) above;

(3) The monthly amount of the suspended annuity, with any applicable increases after retirement computed from the effective date to the date of reinstatement, shall be subtracted from the amount determined in (2) above and the remainder shall be the amount of the supplemental annuity provided that this amount shall not be less than the amount computed under subsection (b) of this Section.

(4) The suspended annuity shall be reinstated at an amount including any increases after retirement from the effective date to date of reinstatement.

(5) The effective date of the combined suspended and supplemental annuities for the purposes of increases after retirement shall be considered to be the effective date of the supplemental annuity.

(Source: P.A. 97-328, eff. 8-12-11; 97-609, eff. 1-1-12; 98-389, eff. 8-16-13.)

(40 ILCS 5/7-172) (from Ch. 108 1/2, par. 7-172)

Sec. 7-172. Contributions by participating municipalities and participating instrumentalities.

(a) Each participating municipality and each participating instrumentality shall make payment to the fund as follows:

1. municipality contributions in an amount determined by applying the municipality contribution rate to each payment of earnings paid to each of its participating employees;

2. an amount equal to the employee contributions provided by paragraph (a) of Section 7-173, whether or not the employee contributions are withheld as permitted by that Section;

3. all accounts receivable, together with interest charged thereon, as provided in Section 7-209, and any amounts due under subsection (a-5) of Section 7-144;

4. if it has no participating employees with current earnings, an amount payable which, over a closed period of 20 years for participating municipalities and 10 years for participating instrumentalities, will amortize, at the effective rate for that year, any unfunded obligation. The unfunded obligation shall be computed as provided in paragraph 2 of subsection (b);

5. if it has fewer than 7 participating employees or a negative balance in its municipality reserve, the greater of (A) an amount payable that, over a period of 20 years, will amortize at the effective rate for that year any unfunded obligation, computed as provided in paragraph 2 of subsection (b) or (B) the amount required by paragraph 1 of this subsection (a).

(b) A separate municipality contribution rate shall be determined for each calendar year for all participating municipalities together with all instrumentalities thereof. The municipality contribution rate shall be determined for participating instrumentalities as if they were participating municipalities. The municipality contribution rate shall be the sum of the following percentages:

1. The percentage of earnings of all the participating employees of all participating municipalities and participating instrumentalities which, if paid over the entire period of their service, will be sufficient when combined with all employee contributions available for the payment of benefits, to provide all annuities for participating employees, and the \$3,000 death benefit payable under Sections 7-158 and 7-164, such percentage to be known as the normal cost rate.

2. The percentage of earnings of the participating employees of each participating municipality and participating instrumentalities necessary to adjust for the difference between the present value of all benefits, excluding temporary and total and permanent disability and death benefits, to be provided for its participating employees and the sum of its accumulated municipality contributions and the accumulated employee contributions and the present value of expected future employee and municipality contributions pursuant to subparagraph 1 of this paragraph (b). This adjustment shall be

spread over a period determined by the Board, not to exceed 30 years for participating municipalities or 10 years for participating instrumentalities.

3. The percentage of earnings of the participating employees of all municipalities and participating instrumentalities necessary to provide the present value of all temporary and total and permanent disability benefits granted during the most recent year for which information is available.

4. The percentage of earnings of the participating employees of all participating municipalities and participating instrumentalities necessary to provide the present value of the net single sum death benefits expected to become payable from the reserve established under Section 7-206 during the year for which this rate is fixed.

5. The percentage of earnings necessary to meet any deficiency arising in the Terminated Municipality Reserve.

(c) A separate municipality contribution rate shall be computed for each participating municipality or participating instrumentality for its sheriff's law enforcement employees.

A separate municipality contribution rate shall be computed for the sheriff's law enforcement employees of each forest preserve district that elects to have such employees. For the period from January 1, 1986 to December 31, 1986, such rate shall be the forest preserve district's regular rate plus 2%.

In the event that the Board determines that there is an actuarial deficiency in the account of any municipality with respect to a person who has elected to participate in the Fund under Section 3-109.1 of this Code, the Board may adjust the municipality's contribution rate so as to make up that deficiency over such reasonable period of time as the Board may determine.

(d) The Board may establish a separate municipality contribution rate for all employees who are program participants employed under the federal Comprehensive Employment Training Act by all of the participating municipalities and instrumentalities. The Board may also provide that, in lieu of a separate municipality rate for these employees, a portion of the municipality contributions for such program participants shall be refunded or an extra charge assessed so that the amount of municipality contributions retained or received by the fund for all CETA program participants shall be an amount equal to that which would be provided by the separate municipality contribution rate for all such program participants. Refunds shall be made to prime sponsors of programs upon submission of a claim therefor and extra charges shall be assessed to participating municipalities and instrumentalities. In establishing the municipality contribution rate as provided in paragraph (b) of this Section, the use of a separate municipality contribution rate for program participants or the refund of a portion of the municipality contributions, as the case may be, may be considered.

(e) Computations of municipality contribution rates for the following calendar year shall be made prior to the beginning of each year, from the information available at the time the computations are made, and on the assumption that the employees in each participating municipality or participating instrumentality at such time will continue in service until the end of such calendar year at their respective rates of earnings at such time.

(f) Any municipality which is the recipient of State allocations representing that municipality's contributions for retirement annuity purposes on behalf of its employees as provided in Section 12-21.16 of the Illinois Public Aid Code shall pay the allocations so received to the Board for such purpose. Estimates of State allocations to be received during any taxable year shall be considered in the determination of the municipality's tax rate for that year under Section 7-171. If a special tax is levied under Section 7-171, none of the proceeds may be used to reimburse the municipality for the amount of State allocations received and paid to the Board. Any multiple-county or consolidated health department which receives contributions from a county under Section 11.2 of "An Act in relation to establishment and maintenance of county and multiple-county health departments", approved July 9, 1943, as amended, or distributions under Section 3 of the Department of Public Health Act, shall use these only for municipality contributions by the health department.

(g) Municipality contributions for the several purposes specified shall, for township treasurers and employees in the offices of the township treasurers who meet the qualifying conditions for coverage hereunder, be allocated among the several school districts and parts of school districts serviced by such treasurers and employees in the proportion which the amount of school funds of each district or part of a district handled by the treasurer bears to the total amount of all school funds handled by the treasurer.

From the funds subject to allocation among districts and parts of districts pursuant to the School Code, the trustees shall withhold the proportionate share of the liability for municipality contributions imposed upon such districts by this Section, in respect to such township treasurers and employees and remit the same to the Board.

The municipality contribution rate for an educational service center shall initially be the same rate for each year as the regional office of education or school district which serves as its administrative agent.

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When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

The municipality contribution rate for a public agency, other than a vocational education cooperative, formed under the Intergovernmental Cooperation Act shall initially be the average rate for the municipalities which are parties to the intergovernmental agreement. When actuarial data become available, a separate rate shall be established as provided in subparagraph (i) of this Section.

(h) Each participating municipality and participating instrumentality shall make the contributions in the amounts provided in this Section in the manner prescribed from time to time by the Board and all such contributions shall be obligations of the respective participating municipalities and participating instrumentalities to this fund. The failure to deduct any employee contributions shall not relieve the participating municipality or participating instrumentality of its obligation to this fund. Delinquent payments of contributions due under this Section may, with interest, be recovered by civil action against the participating municipalities or participating instrumentalities. Municipality contributions, other than the amount necessary for employee contributions, for periods of service by employees from whose earnings no deductions were made for employee contributions to the fund, may be charged to the municipality reserve for the municipality or participating instrumentality.

(i) Contributions by participating instrumentalities shall be determined as provided herein except that the percentage derived under subparagraph 2 of paragraph (b) of this Section, and the amount payable under subparagraph 4 of paragraph (a) of this Section, shall be based on an amortization period of 10 years.

(j) Notwithstanding the other provisions of this Section, the additional unfunded liability accruing as a result of this amendatory Act of the 94th General Assembly shall be amortized over a period of 30 years beginning on January 1 of the second calendar year following the calendar year in which this amendatory Act takes effect, except that the employer may provide for a longer amortization period by adopting a resolution or ordinance specifying a 35-year or 40-year period and submitting a certified copy of the ordinance or resolution to the fund no later than June 1 of the calendar year following the calendar year in which this amendatory Act takes effect.

(k) If the amount of a participating employee's reported earnings for any of the 12-month periods used to determine the final rate of earnings exceeds the employee's 12 month reported earnings with the same employer for the previous year by the greater of 6% or 1.5 times the annual increase in the Consumer Price Index-U, as established by the United States Department of Labor for the preceding September, the participating municipality or participating instrumentality that paid those earnings shall pay to the Fund, in addition to any other contributions required under this Article, the present value of the increase in the pension resulting from the portion of the increase in salary that is in excess of the greater of 6% or 1.5 times the annual increase in the Consumer Price Index-U, as determined by the Fund. This present value shall be computed on the basis of the actuarial assumptions and tables used in the most recent actuarial valuation of the Fund that is available at the time of the computation.

Whenever it determines that a payment is or may be required under this subsection (k), the fund shall calculate the amount of the payment and bill the participating municipality or participating instrumentality for that amount. The bill shall specify the calculations used to determine the amount due. If the participating municipality or participating instrumentality disputes the amount of the bill, it may, within 30 days after receipt of the bill, apply to the fund in writing for a recalculation. The application must specify in detail the grounds of the dispute. Upon receiving a timely application for recalculation, the fund shall review the application and, if appropriate, recalculate the amount due. The participating municipality and participating instrumentality contributions required under this subsection (k) may be paid in the form of a lump sum within 90 days after receipt of the bill. If the participating municipality and participating instrumentality contributions are not paid within 90 days after receipt of the bill, then interest will be charged at a rate equal to the fund's annual actuarially assumed rate of return on investment compounded annually from the 91st day after receipt of the bill. Payments must be concluded within 3 years after receipt of the bill by the participating municipality or participating instrumentality.

When assessing payment for any amount due under this subsection (k), the fund shall exclude earnings increases resulting from overload or overtime earnings.

When assessing payment for any amount due under this subsection (k), the fund shall also exclude earnings increases attributable to standard employment promotions resulting in increased responsibility and workload.

This subsection (k) does not apply to earnings increases paid to individuals under contracts or collective bargaining agreements entered into, amended, or renewed before January 1, 2012 (the effective date of Public Act 97-609), earnings increases paid to members who are 10 years or more from retirement eligibility, or earnings increases resulting from an increase in the number of hours required to be worked.

When assessing payment for any amount due under this subsection (k), the fund shall also exclude earnings attributable to personnel policies adopted before January 1, 2012 (the effective date of Public Act 97-609) as long as those policies are not applicable to employees who begin service on or after January 1, 2012 (the effective date of Public Act 97-609).

(Source: P.A. 97-333, eff. 8-12-11; 97-609, eff. 1-1-12; 97-933, eff. 8-10-12; 98-218, eff. 8-9-13.)

Section 90. The State Mandates Act is amended by adding Section 8.40 as follows:
(30 ILCS 805/8.40 new)

Sec. 8.40. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 99th General Assembly.

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 foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 2896** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 2899** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

[May 12, 2016]

AMENDMENT NO. 1 TO SENATE BILL 2899

AMENDMENT NO. 1. Amend Senate Bill 2899 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.27 and adding 4.37 as follows: (5 ILCS 80/4.27)

Sec. 4.27. Acts repealed on January 1, 2017. The following are repealed on January 1, 2017:

~~The Illinois Optometric Practice Act of 1987.~~

~~The Clinical Psychologist Licensing Act.~~

~~The Boiler and Pressure Vessel Repairer Regulation Act.~~

Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

(Source: P.A. 99-78, eff. 7-20-15.)

(5 ILCS 80/4.37 new)

Sec. 4.37. Act repealed on January 1, 2027. The following Act is repealed on January 1, 2027:

The Optometric Practice Act of 1984.

Section 10. The Illinois Optometric Practice Act of 1987 is amended by changing the title of the Act and Sections 3, 9, 10, 11, 14, 15.1, 18, 20, 21, 24, 26.2, 26.6, 26.7, 26.8, 26.15, and 27 and by adding Sections 9.5 and 30 as follows:

(225 ILCS 80/3) (from Ch. 111, par. 3903)

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

Sec. 3. Practice of optometry defined; referrals; manufacture of lenses and prisms.

(a) The practice of optometry is defined as the employment of any and all means for the examination, diagnosis, and treatment of the human visual system, the human eye, and its appendages without the use of surgery, including, but not limited to: the appropriate use of ocular pharmaceutical agents; refraction and other determinants of visual function; prescribing corrective lenses or prisms; prescribing, dispensing, or management of contact lenses; vision therapy; visual rehabilitation; or any other procedures taught in schools and colleges of optometry approved by the Department, and not specifically restricted in this Act, subject to demonstrated competency and training as required by the Board, and pursuant to rule or regulation approved by the Board and adopted by the Department.

A person shall be deemed to be practicing optometry within the meaning of this Act who:

(1) In any way presents himself or herself to be qualified to practice optometry.

(2) Performs refractions or employs any other determinants of visual function.

(3) Employs any means for the adaptation of lenses or prisms.

(4) Prescribes corrective lenses, prisms, vision therapy, visual rehabilitation, or ocular pharmaceutical agents.

(5) Prescribes or manages contact lenses for refractive, cosmetic, or therapeutic purposes.

(6) Evaluates the need for, or prescribes, low vision aids to partially sighted persons.

(7) Diagnoses or treats any ocular abnormality, disease, or visual or muscular anomaly of the human eye or visual system.

(8) Practices, or offers or attempts to practice, optometry as defined in this Act either on his or her own behalf or as an employee of a person, firm, or corporation, whether under the supervision of his or her employer or not.

Nothing in this Section shall be interpreted (A) (†) to prevent a person from functioning as an assistant under the direct supervision of a person licensed by the State of Illinois to practice optometry or medicine in all of its branches or (B) (‡) to prohibit visual screening programs that are conducted without a fee (other than voluntary donations), by charitable organizations acting in the public welfare under the supervision of a committee composed of persons licensed by the State of Illinois to practice optometry or persons licensed by the State of Illinois to practice medicine in all of its branches.

(b) When, in the course of providing optometric services to any person, an optometrist licensed under this Act finds an indication of a disease or condition of the eye which in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer such person to a physician licensed to practice medicine in all of its branches, or other appropriate health care practitioner. Nothing in this Act shall preclude an optometrist from rendering appropriate nonsurgical emergency care.

(c) Nothing contained in this Section shall prohibit a person from manufacturing ophthalmic lenses and prisms or the fabrication of contact lenses according to the specifications prescribed by an optometrist or

a physician licensed to practice medicine in all of its branches, but shall specifically prohibit (1) the sale or delivery of ophthalmic lenses, prisms, and contact lenses without a prescription signed by an optometrist or a physician licensed to practice medicine in all of its branches and (2) the dispensing of contact lenses by anyone other than a licensed optometrist, licensed pharmacist, or a physician licensed to practice medicine in all of its branches. For the purposes of this Act, "contact lenses" include, but are not limited to, contact lenses with prescriptive power and decorative and plano power contact lenses. Nothing in this Section shall prohibit the sale of contact lenses by an optical firm or corporation primarily engaged in manufacturing or dealing in eyeglasses or contact lenses with an affiliated optometrist who practices and is licensed or has an ancillary registration for the location where the sale occurs.

(d) Nothing in this Act shall restrict the filling of a prescription by a pharmacist licensed under the Pharmacy Practice Act.

(e) Nothing in this Act shall be construed to restrict the dispensing and sale by an optometrist of ocular devices, such as contact lenses, that contain and deliver ocular pharmaceutical agents permitted for use or prescription under this Act.

(f) Nothing in this Act shall prohibit an optometrist from: (1) the probing, dilation, and irrigation of the lacrimal ducts or insertion and removal of lacrimal plugs; (2) removal of a superficial foreign body; (3) suture removal; (4) removal of eyelashes; (5) removal, destruction, or drainage of superficial lesions and conjunctival cysts, including chalazion; (6) corneal debridement, culture, scrape, or anterior puncture, not including removal of pterygium, corneal biopsy, or corneal neoplasias; and (7) corneal shaping with external devices, such as contact lenses.

Removal, destruction, or drainage of superficial lesions and conjunctival cysts and corneal debridement, culture, scrape, or anterior puncture are only permitted by an optometrist who meets the educational requirements established by the Department in rule, which shall include both clinical training and didactic education.

(Source: P.A. 98-186, eff. 8-5-13.)

(225 ILCS 80/9) (from Ch. 111, par. 3909)

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

Sec. 9. Definitions. In this Act:

(1) "Department" means the Department of Financial and Professional Regulation.

(2) "Secretary" means the Secretary of Financial and Professional Regulation.

(3) "Board" means the Illinois Optometric Licensing and Disciplinary Board appointed by the Secretary.

(4) "License" means the document issued by the Department authorizing the person named thereon to practice optometry.

(5) (Blank).

(6) "Direct supervision" means supervision of any person assisting an optometrist, requiring that the optometrist authorize the procedure, remain in the facility while the procedure is performed, approve the work performed by the person assisting before dismissal of the patient, but does not mean that the optometrist must be present with the patient, during the procedure. For the dispensing of contact lenses, "direct supervision" means that the optometrist is responsible for training the person assisting the optometrist in the dispensing or sale of contact lenses, but does not mean that the optometrist must be present in the facility where he or she practices under a license or ancillary registration at the time the contacts are dispensed or sold.

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

(Source: P.A. 98-186, eff. 8-5-13.)

(225 ILCS 80/9.5 new)

Sec. 9.5. Change of address. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days after such change either through the Department's website or by contacting the Department's licensure maintenance unit.

(225 ILCS 80/10) (from Ch. 111, par. 3910)

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

Sec. 10. Powers and duties of Department; rules; report. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of Licensing Acts and shall exercise such other powers and duties necessary for effectuating the purpose of this Act.

The Secretary shall promulgate Rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith. The rules shall include standards and criteria for licensure and certification, and professional conduct and discipline.

The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's responses and any recommendations made therein. ~~The Department shall notify the Board in writing with explanations of deviations from the Board's recommendations and responses.~~ The Department may solicit the advice of the Board on any matter relating to the administration and enforcement of this Act.

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

(225 ILCS 80/11) (from Ch. 111, par. 3911)

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

Sec. 11. Optometric Licensing and Disciplinary Board. The Secretary shall appoint an Illinois Optometric Licensing and Disciplinary Board as follows: Seven persons who shall be appointed by and shall serve in an advisory capacity to the Secretary. Five members must be lawfully and actively engaged in the practice of optometry in this State, one member shall be a licensed optometrist, with a full-time faculty appointment with the Illinois College of Optometry, and one member must be a member of the public who shall be a voting member and is not licensed under this Act, or a similar Act of another jurisdiction, or have any connection with the profession. Neither the public member nor the faculty member shall participate in the preparation or administration of the examination of applicants for licensure.

Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be appointed to the Board for more than 2 successive 4-year terms, not counting any partial terms when appointed to fill the unexpired portion of a vacated term. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The Board shall annually elect a chairperson and a vice-chairperson, both of whom shall be licensed optometrists.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

The Secretary may terminate the appointment of any member for cause.

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

Members of the Board shall have no liability in any action based upon any disciplinary proceeding or other activity performed in good faith as a member of the Board.

~~The Secretary shall give due consideration to all recommendations of the Board, and in the event that the Secretary disagrees with or takes action contrary to the recommendation of the Board, he or she shall provide the Board with a written and specific explanation of this action. None of the functions, powers or duties of the Department with respect to policy matters relating to licensure, discipline, and examination, including the promulgation of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Board.~~

Without, in any manner, limiting the power of the Department to conduct investigations, the Board may recommend to the Secretary that one or more licensed optometrists be selected by the Secretary to conduct or assist in any investigation pursuant to this Act. Such licensed optometrist may receive remuneration as determined by the Secretary.

(Source: P.A. 96-270, eff. 1-1-10.)

(225 ILCS 80/14) (from Ch. 111, par. 3914)

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

Sec. 14. A person shall be qualified for initial licensure as an optometrist if that person has applied in writing in form and substance satisfactory to the Department and who:

(1) ~~(blank) has not been convicted of any of the provisions of Section 24 of this Act which would be grounds for discipline under this Act;~~

(2) has graduated, after January 1, 1994, from a program of optometry education approved by the Department or has graduated, prior to January 1, 1994, and has met substantially equivalent criteria established by the Department;

(3) (blank); and

(4) has met all examination requirements including the passage of a nationally recognized examination authorized by the Department. Each applicant shall be tested on theoretical knowledge and clinical practice skills.

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

(225 ILCS 80/15.1)

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

Sec. 15.1. Diagnostic and therapeutic authority.

(a) For purposes of the Act, "ocular pharmaceutical agents" means topical anesthetics, topical mydriatics, topical cycloplegics, topical miotics and mydriatic reversing agents, anti-infective agents, anti-allergy agents, anti-glaucoma agents (except oral carbonic anhydrase inhibitors, which may be prescribed only in a quantity sufficient to provide treatment for up to 72 hours), anti-inflammatory agents (except oral steroids), over-the-counter agents, analgesic agents, anti-dry eye agents, and agents for the treatment of hypotrichosis.

(a-3) In addition to ocular pharmaceutical agents that fall within the categories set forth in subsection (a) of this Section, the Board may add a pharmaceutical agent approved by the FDA or class of agents for the purpose of the diagnosis or treatment of conditions of the eye and adnexa after consideration of the agent's systemic effects, side effects, and the use of the agent within the practice of optometry. The Board shall consider requests for additional agents and make recommendations within 90 days after the receipt of the request.

Within 45 days after the Board's recommendation to the Department of a pharmaceutical agent or class of agents, the Department shall promulgate rules necessary to allow for the prescribing or administering of the pharmaceutical agent or class of agents under this Act.

(a-5) Ocular pharmaceutical agents may be administered by subcutaneous, subconjunctival, and intramuscular injections by an optometrist who meets the educational requirements established by the Department by rule, which shall include both clinical training and didactic education. Retrobulbar, intraocular, and botulinum injections are not permitted. Intramuscular injections may be administered by injection may be used only for the treatment of anaphylaxis.

(a-10) Oral pharmaceutical agents may be prescribed for a child under 5 years of age only in consultation with a physician licensed to practice medicine in all its branches.

(a-15) The authority to prescribe a Schedule III, IV, or V controlled substance shall include analgesic agents only in a quantity sufficient to provide treatment for up to 72 hours. The prescription of a Schedule II controlled substance is prohibited, except for Dihydrocodeinone (Hydrocodone) with one or more active, non-narcotic ingredients only in a quantity sufficient to provide treatment for up to 72 hours, and only if such formulations of Dihydrocodeinone are reclassified as Schedule II by federal regulation.

(b) A licensed optometrist ~~may remove superficial foreign bodies from the human eye and adnexa and may give orders for patient care to a nurse or other health care provider~~ licensed to practice under Illinois law.

(c) An optometrist's license shall be revoked or suspended by the Department upon recommendation of the Board based upon either of the following causes:

- (1) grave or repeated misuse of any ocular pharmaceutical agent; and
- (2) the use of any agent or procedure in the course of optometric practice by an optometrist not properly authorized under this Act.

(d) The Secretary of Financial and Professional Regulation shall notify the Director of Public Health as to the categories of ocular pharmaceutical agents permitted for use by an optometrist. The Director of Public Health shall in turn notify every licensed pharmacist in the State of the categories of ocular pharmaceutical agents that can be utilized and prescribed by an optometrist.

(Source: P.A. 97-170, eff. 7-22-11; 98-1111, eff. 8-26-14.)

(225 ILCS 80/18) (from Ch. 111, par. 3918)

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

Sec. 18. Endorsement. The Department may, in its discretion, license as an optometrist, without examination on payment of the required fee, an applicant who is so licensed under the laws of another state or U.S. jurisdiction of the United States. The Department may issue a license, upon payment of the required fee and recommendation of the Board, to an individual applicant who is licensed in any foreign country or province whose standards, in the opinion of the Board or Department, if the requirements for licensure in the jurisdiction in which the applicant was licensed, were, at the date of his or her licensure, substantially equivalent to the requirements then in force in this State; or if the applicant possesses individual qualifications and skills which demonstrate substantial equivalence to current Illinois requirements.

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

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 80/20) (from Ch. 111, par. 3920)

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

Sec. 20. Fund. All moneys received by the Department pursuant to this Act shall be deposited in the Optometric Licensing and Disciplinary Board Fund, which is hereby created as a special fund in the State

Treasury, and shall be used for the administration of this Act, including: (a) by the Board and Department in the exercise of its powers and performance of its duties ~~as such use is made by the Department with full consideration of all recommendations of the Board~~; (b) for costs directly related to license renewal of persons licensed under this Act; and (c) for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Subject to appropriation, moneys in the Optometric Licensing and Disciplinary Board Fund may be used for the Optometric Education Scholarship Program administered by the Illinois Student Assistance Commission pursuant to Section 65.70 of the Higher Education Student Assistance Act.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

Money in the Optometric Licensing and Disciplinary Board Fund may be invested and reinvested, with all earnings received from such investment to be deposited in the Optometric Licensing and Disciplinary Board Fund and used for the same purposes as fees deposited in such fund.

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

(225 ILCS 80/21) (from Ch. 111, par. 3921)

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

Sec. 21. The Department shall maintain a roster of the names and addresses of all licensees ~~and of all persons whose licenses have been suspended or revoked~~. This roster shall be available upon written request and payment of the required fee.

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

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

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

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the causes set forth in subsection (a-3) of this Section. All fines collected under this Section shall be deposited in the Optometric Licensing and Disciplinary Board Fund. Any fine imposed shall be payable within 60 days after the effective date of the order imposing the fine.

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

(1) Violations of this Act, or of the rules promulgated hereunder.

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S.

jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

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

(7) Failing, within 60 days, to provide information in response to a written request made by the Department that has been sent by certified or registered mail to the licensee's last known address.

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

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

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act.

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

(13) Abandonment of a patient.

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

(15) Willfully failing to report an instance of suspected abuse or neglect as required by law.

(16) Physical illness, including but not limited to, deterioration through the aging

process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

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

(18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a-5) In enforcing this Section, the Board or Department, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification

pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Department Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board or Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

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

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

(Source: P.A. 99-43, eff. 1-1-16.)

(225 ILCS 80/26.2) (from Ch. 111, par. 3926.2)

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

Sec. 26.2. Investigation; notice. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer to the Board under oath within 20 days after the service on him or her of the notice and inform him or her that if he or she fails to file an answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of his or her practice, as the Department may deem proper taken with regard thereto. The Such written notice and any notice in the subsequent proceeding may be served by personal delivery or by regular or certified delivery or certified or registered mail to the applicant's or licensee's address of record Department. In case the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to their defense. The Department may continue the hearing from time to time. At the discretion of the Secretary after having first received the recommendation of the Board, the accused person's license may be suspended, revoked, placed on probationary status, or whatever disciplinary action as the Secretary may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

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

(225 ILCS 80/26.6) (from Ch. 111, par. 3926.6)

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

Sec. 26.6. Findings of fact, conclusions of law, and recommendations. At the conclusion of the hearing the Board shall present to the Secretary a written report of its findings of fact, conclusions of law and recommendations. ~~The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary.~~

The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order. If the Secretary disagrees in any regard with the report of the Board, the Secretary may issue an order in contravention thereof. ~~The Secretary shall provide within 60 days of taking such action a written report to the Board on any such deviation, and shall specify with particularity the reasons for said action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.~~

At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon the signature of the Secretary.

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

(225 ILCS 80/26.7) (from Ch. 111, par. 3926.7)

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

Sec. 26.7. Hearing officer. Notwithstanding the provisions of Section 26.6 of this Act, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for discipline of a license. ~~The Secretary shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The Board shall have the right to have at least one member present at any hearing conducted by such hearing officer. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law and recommendations to the Secretary. If the Board fails to present its report within the 60 day period, the Secretary shall issue an order based on the report of the hearing officer. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary shall provide a written explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.~~

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

(225 ILCS 80/26.8) (from Ch. 111, par. 3926.8)

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

Sec. 26.8. Service of report; rehearing; order. In any case involving the discipline of a license, a copy of the Board's and hearing officer's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary may enter an order in accordance with this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

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

(225 ILCS 80/26.15) (from Ch. 111, par. 3926.15)

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

Sec. 26.15. Certification of record. The Department shall not be required to certify any record to the Court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in Court shall be grounds for dismissal of the action.

(Source: P.A. 87-1031.)

(225 ILCS 80/27) (from Ch. 111, par. 3927)

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

Sec. 27. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for

retention, continuation or renewal of the license is specifically excluded. ~~For the purpose of this Act the notice required under Section 10-25 of the Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.~~

(Source: P.A. 88-45.)

(225 ILCS 80/30 new)

Sec. 30. 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 license 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, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

Section 99. Effective date. This Act takes effect January 1, 2017."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Althoff, **Senate Bill No. 2899** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Haine	McCann	Rose
Anderson	Harmon	McCarter	Sandoval
Barickman	Harris	McConchie	Silverstein
Bennett	Hastings	McConaughay	Stadelman
Bertino-Tarrant	Hunter	McGuire	Steans
Biss	Hutchinson	Mulroe	Sullivan
Bivins	Jones, E.	Muñoz	Syverson
Brady	Koehler	Murphy, M.	Trotter
Bush	Landek	Noland	Van Pelt
Clayborne	Lightford	Nybo	Weaver
Collins	Link	Oberweis	Mr. President
Connelly	Luechtefeld	Raoul	
Cullerton, T.	Manar	Rezin	
Cunningham	Martinez	Righter	

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

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

SENATE BILL RECALLED

[May 12, 2016]

On motion of Senator Barickman, **Senate Bill No. 2955** was recalled from the order of third reading to the order of second reading.

Senator Barickman offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2955

AMENDMENT NO. 2. Amend Senate Bill 2955, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 78 and 79 as follows:
(205 ILCS 5/78) (from Ch. 17, par. 390)

Sec. 78. Board of banks and trust companies; creation, members, appointment. There is created a Board which shall be known as the State Banking Board of Illinois which shall consist of the Director of Banking, who shall be its chairman, and ~~12~~ 14 additional members. The Board shall be comprised of individuals interested in the banking industry. Two members shall be from State banks having total assets of not more than \$75,000,000 at the time of their appointment; 2 members shall be from State banks having total assets of more than \$75,000,000, but not more than \$150,000,000 at the time of their appointment; 2 members shall be from State banks having total assets of more than \$150,000,000, but not more than \$500,000,000 at the time of their appointment; 2 members shall be from State banks having total assets of more than \$500,000,000, but not more than \$2,000,000,000 at the time of their appointment; ~~1~~, ~~and~~ one member shall be from a State bank having total assets of more than \$2,000,000,000 at the time of his or her appointment; and one member shall be from a savings bank organized under the Savings Bank Act. There shall be one alternate member from a savings bank organized under the Savings Bank Act whose role shall be to attend a meeting of the State Banking Board if and only if the sitting member from a savings bank is unable to attend the meeting. There shall be 2 public members, neither of whom shall be an officer or director of or owner, whether directly or indirectly, of more than 5% of the outstanding capital stock of any bank or savings bank. Members of the State Banking Board of Illinois cease to be eligible to serve on the Board once they no longer meet the requirements of their original appointment; however, a member from a State bank shall not be disqualified solely due to a change in the bank's asset size.

(Source: P.A. 99-39, eff. 1-1-16.)

(205 ILCS 5/79) (from Ch. 17, par. 391)

Sec. 79. Board, terms of office. The terms of office of the State Banking Board of Illinois shall be 4 years, except that the initial Board appointments shall be staggered with the Governor initially appointing, with advice and consent of the Senate, 3 members to serve 2-year terms, 4 members to serve 3-year terms, and 4 members to serve 4-year terms. The sitting member from a savings bank organized under the Savings Bank Act and the alternative member from a savings bank organized under the Savings Bank Act shall be appointed for the same terms of office. Members shall continue to serve on the Board until their replacement is appointed and qualified. Vacancies shall be filled by appointment by the Governor with advice and consent of the Senate.

No State Banking Board member shall serve more than 2 full 4-year terms of office.

(Source: P.A. 96-1163, eff. 1-1-11; 97-813, eff. 7-13-12.)

(205 ILCS 205/12104 rep.) (205 ILCS 205/Art. 12.2 rep.)

Section 10. The Savings Bank Act is amended by repealing Section 12104 and Article 12.2.

Section 15. The Residential Mortgage License Act of 1987 is amended by changing Sections 1-4, 4-1, and 4-8 as follows:

(205 ILCS 635/1-4)

Sec. 1-4. Definitions. The following words and phrases have the meanings given to them in this Section:

(a) "Residential real property" or "residential real estate" shall mean any real property located in Illinois, upon which is constructed or intended to be constructed a dwelling. Those terms include a manufactured home as defined in subdivision (53) of Section 9-102 of the Uniform Commercial Code which is real property as defined in Section 5-35 of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(b) "Making a residential mortgage loan" or "funding a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, advancing funds or making a commitment to advance funds to a loan applicant for a residential mortgage loan.

(c) "Soliciting, processing, placing, or negotiating a residential mortgage loan" shall mean for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to

negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, including a closing in the name of a broker.

(d) "Exempt person or entity" shall mean the following:

(1) (i) Any banking organization or foreign banking corporation licensed by the Illinois Commissioner of Banks and Real Estate or the United States Comptroller of the Currency to transact business in this State; (ii) any national bank, federally chartered savings and loan association, federal savings bank, federal credit union; (iii) (blank); (iv) any bank, savings and loan association, savings bank, or credit union organized under the laws of this or any other state; (v) any Illinois Consumer Installment Loan Act licensee; (vi) any insurance company authorized to transact business in this State; (vii) any entity engaged solely in commercial mortgage lending; (viii) any service corporation of a savings and loan association or savings bank organized under the laws of this State or the service corporation of a federally chartered savings and loan association or savings bank having its principal place of business in this State, other than a service corporation licensed or entitled to reciprocity under the Real Estate License Act of 2000; or (ix) any first tier subsidiary of a bank, the charter of which is issued under the Illinois Banking Act by the Illinois Commissioner of Banks and Real Estate, or the first tier subsidiary of a bank chartered by the United States Comptroller of the Currency and that has its principal place of business in this State, provided that the first tier subsidiary is regularly examined by the Illinois Commissioner of Banks and Real Estate or the Comptroller of the Currency, or a consumer compliance examination is regularly conducted by the Federal Reserve Board.

(1.5) Any employee of a person or entity mentioned in item (1) of this subsection, when acting for such person or entity, or any registered mortgage loan originator when acting for an entity described in subsection (tt) of this Section.

(1.8) Any person or entity that does not originate mortgage loans in the ordinary course of business, but makes or acquires residential mortgage loans with his or her own funds for his or her or its own investment without intent to make, acquire, or resell more than 3 residential mortgage loans in any one calendar year.

(2) (Blank).

(3) Any person employed by a licensee to assist in the performance of the residential mortgage licensee's activities regulated by this Act who is compensated in any manner by only one licensee.

(4) (Blank).

(5) Any individual, corporation, partnership, or other entity that originates, services, or brokers residential mortgage loans, as these activities are defined in this Act, and who or which receives no compensation for those activities, subject to the Commissioner's regulations and the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 and the rules promulgated under that Act with regard to the nature and amount of compensation.

(6) (Blank).

(e) "Licensee" or "residential mortgage licensee" shall mean a person, partnership, association, corporation, or any other entity who or which is licensed pursuant to this Act to engage in the activities regulated by this Act.

(f) "Mortgage loan" "residential mortgage loan" or "home mortgage loan" shall mean any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling as defined in Section 103(v) of the federal Truth in Lending Act, or residential real estate upon which is constructed or intended to be constructed a dwelling.

(g) "Lender" shall mean any person, partnership, association, corporation, or any other entity who either lends or invests money in residential mortgage loans.

(h) "Ultimate equitable owner" shall mean a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust, or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.

(i) "Residential mortgage financing transaction" shall mean the negotiation, acquisition, sale, or arrangement for or the offer to negotiate, acquire, sell, or arrange for, a residential mortgage loan or residential mortgage loan commitment.

(j) "Personal residence address" shall mean a street address and shall not include a

post office box number.

(k) "Residential mortgage loan commitment" shall mean a contract for residential mortgage loan financing.

(l) "Party to a residential mortgage financing transaction" shall mean a borrower, lender, or loan broker in a residential mortgage financing transaction.

(m) "Payments" shall mean payment of all or any of the following: principal, interest and escrow reserves for taxes, insurance and other related reserves, and reimbursement for lender advances.

(n) "Commissioner" shall mean the Commissioner of Banks and Real Estate, except that, beginning on April 6, 2009 (the effective date of Public Act 95-1047), all references in this Act to the Commissioner of Banks and Real Estate are deemed, in appropriate contexts, to be references to the Secretary of Financial and Professional Regulation, or his or her designee, including the Director of the Division of Banking of the Department of Financial and Professional Regulation.

(n-1) "Director" shall mean the Director of the Division of Banking of the Department of Financial and Professional Regulation, except that, beginning on July 31, 2009 (the effective date of Public Act 96-112), all references in this Act to the Director are deemed, in appropriate contexts, to be the Secretary of Financial and Professional Regulation, or his or her designee, including the Director of the Division of Banking of the Department of Financial and Professional Regulation.

(o) "Loan brokering", "brokering", or "brokerage service" shall mean the act of helping to obtain from another entity, for a borrower, a loan secured by residential real estate situated in Illinois or assisting a borrower in obtaining a loan secured by residential real estate situated in Illinois in return for consideration to be paid by either the borrower or the lender including, but not limited to, contracting for the delivery of residential mortgage loans to a third party lender and soliciting, processing, placing, or negotiating residential mortgage loans.

(p) "Loan broker" or "broker" shall mean a person, partnership, association, corporation, or limited liability company, other than those persons, partnerships, associations, corporations, or limited liability companies exempted from licensing pursuant to Section 1-4, subsection (d), of this Act, who performs the activities described in subsections (c), (o), and (yy) of this Section.

(q) "Servicing" shall mean the collection or remittance for or the right or obligation to collect or remit for any lender, noteowner, noteholder, or for a licensee's own account, of payments, interests, principal, and trust items such as hazard insurance and taxes on a residential mortgage loan in accordance with the terms of the residential mortgage loan; and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing. "Servicing" includes management of third-party entities acting on behalf of a residential mortgage licensee for the collection of delinquent payments and the use by such third-party entities of said licensee's servicing records or information, including their use in foreclosure.

(r) "Full service office" shall mean an office, provided by the licensee and not subleased from the licensee's employees, and staff in Illinois reasonably adequate to handle efficiently communications, questions, and other matters relating to any application for, or an existing home mortgage secured by residential real estate situated in Illinois with respect to which the licensee is brokering, funding originating, purchasing, or servicing. The management and operation of each full service office must include observance of good business practices such as proper signage; adequate, organized, and accurate books and records; ample phone lines, hours of business, staff training and supervision, and provision for a mechanism to resolve consumer inquiries, complaints, and problems. The Commissioner shall issue regulations with regard to these requirements and shall include an evaluation of compliance with this Section in his or her periodic examination of each licensee.

(s) "Purchasing" shall mean the purchase of conventional or government-insured mortgage loans secured by residential real estate situated in Illinois from either the lender or from the secondary market.

(t) "Borrower" shall mean the person or persons who seek the services of a loan broker, originator, or lender.

(u) "Originating" shall mean the issuing of commitments for and funding of residential mortgage loans.

(v) "Loan brokerage agreement" shall mean a written agreement in which a broker or loan broker agrees to do either of the following:

- (1) obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or
- (2) consider making a residential mortgage loan to the borrower.

(w) "Advertisement" shall mean the attempt by publication, dissemination, or circulation to induce, directly or indirectly, any person to enter into a residential mortgage loan agreement or residential mortgage loan brokerage agreement relative to a mortgage secured by residential real estate situated in Illinois.

(x) ~~(Blank). "Residential Mortgage Board" shall mean the Residential Mortgage Board created in Section 1-5 of this Act.~~

(y) "Government-insured mortgage loan" shall mean any mortgage loan made on the security of residential real estate insured by the Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration.

(z) "Annual audit" shall mean a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards.

(aa) "Financial institution" shall mean a savings and loan association, savings bank, credit union, or a bank organized under the laws of Illinois or a savings and loan association, savings bank, credit union or a bank organized under the laws of the United States and headquartered in Illinois.

(bb) "Escrow agent" shall mean a third party, individual or entity charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan.

(cc) "Net worth" shall have the meaning ascribed thereto in Section 3-5 of this Act.

(dd) "Affiliate" shall mean:

(1) any entity that directly controls or is controlled by the licensee and any other company that is directly affecting activities regulated by this Act that is controlled by the company that controls the licensee;

(2) any entity:

(A) that is controlled, directly or indirectly, by a trust or otherwise, by or for the benefit of shareholders who beneficially or otherwise control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

(B) a majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;

(3) any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee.

(ee) "First tier subsidiary" shall be defined by regulation incorporating the comparable definitions used by the Office of the Comptroller of the Currency and the Illinois Commissioner of Banks and Real Estate.

(ff) "Gross delinquency rate" means the quotient determined by dividing (1) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by a licensee in the preceding calendar year that are delinquent and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year that are delinquent by (2) the sum of (i) the number of government-insured residential mortgage loans funded or purchased by the licensee in the preceding calendar year and (ii) the number of conventional residential mortgage loans funded or purchased by the licensee in the preceding calendar year.

(gg) "Delinquency rate factor" means the factor set by rule of the Commissioner that is multiplied by the average gross delinquency rate of licensees, determined annually for the immediately preceding calendar year, for the purpose of determining which licensees shall be examined by the Commissioner pursuant to subsection (b) of Section 4-8 of this Act.

(hh) "Loan originator" means any natural person who, for compensation or in the expectation of compensation, either directly or indirectly makes, offers to make, solicits, places, or negotiates a residential mortgage loan. This definition applies only to Section 7-1 of this Act.

(ii) "Confidential supervisory information" means any report of examination, visitation, or investigation prepared by the Commissioner under this Act, any report of examination visitation, or investigation prepared by the state regulatory authority of another state that examines a licensee, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Commissioner to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection. "Confidential supervisory information" does not include any information or record routinely prepared by a licensee and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(jj) "Mortgage loan originator" means an individual who for compensation or gain or in the expectation of compensation or gain:

- (i) takes a residential mortgage loan application; or
- (ii) offers or negotiates terms of a residential mortgage loan.

"Mortgage loan originator" includes an individual engaged in loan modification activities as defined in subsection (yy) of this Section. A mortgage loan originator engaged in loan modification activities shall report those activities to the Department of Financial and Professional Regulation in the manner provided by the Department; however, the Department shall not impose a fee for reporting, nor require any additional qualifications to engage in those activities beyond those provided pursuant to this Act for mortgage loan originators.

"Mortgage loan originator" does not include an individual engaged solely as a loan processor or underwriter except as otherwise provided in subsection (d) of Section 7-1A of this Act.

"Mortgage loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed in accordance with the Real Estate License Act of 2000, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator, or by any agent of that lender, mortgage broker, or other mortgage loan originator.

"Mortgage loan originator" does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in Section 101(53D) of Title 11, United States Code.

(kk) "Depository institution" has the same meaning as in Section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(ll) "Dwelling" means a residential structure or mobile home which contains one to 4 family housing units, or individual units of condominiums or cooperatives.

(mm) "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild, and includes step-parents, step-children, step-siblings, or adoptive relationships.

(nn) "Individual" means a natural person.

(oo) "Loan processor or underwriter" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under this Act. "Clerical or support duties" includes subsequent to the receipt of an application:

- (i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

- (ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms. An individual engaging solely in loan processor or underwriter activities shall not represent to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items, that the individual can or will perform any of the activities of a mortgage loan originator.

(pp) "Nationwide Mortgage Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the licensing and registration of licensed mortgage loan originators.

(qq) "Nontraditional mortgage product" means any mortgage product other than a 30-year fixed rate mortgage.

(rr) "Person" means a natural person, corporation, company, limited liability company, partnership, or association.

(ss) "Real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

- (1) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

- (2) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

- (3) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to any such transaction;

- (4) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; or

- (5) offering to engage in any activity, or act in any capacity, described in this subsection (ss).

(tt) "Registered mortgage loan originator" means any individual that:

(1) meets the definition of mortgage loan originator and is an employee of:

- (A) a depository institution;
- (B) a subsidiary that is:
 - (i) owned and controlled by a depository institution; and
 - (ii) regulated by a federal banking agency; or
- (C) an institution regulated by the Farm Credit Administration; and

(2) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(uu) "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide Mortgage Licensing System and Registry.

(vv) "Residential mortgage license" means a license issued pursuant to Section 1-3, 2-2, or 2-6 of this Act.

(ww) "Mortgage loan originator license" means a license issued pursuant to Section 7-1A, 7-3, or 7-6 of this Act.

(xx) "Secretary" means the Secretary of the Department of Financial and Professional Regulation, or a person authorized by the Secretary or by this Act to act in the Secretary's stead.

(yy) "Loan modification" means, for compensation or gain, either directly or indirectly offering or negotiating on behalf of a borrower or homeowner to adjust the terms of a residential mortgage loan in a manner not provided for in the original or previously modified mortgage loan.

(zz) "Short sale facilitation" means, for compensation or gain, either directly or indirectly offering or negotiating on behalf of a borrower or homeowner to facilitate the sale of residential real estate subject to one or more residential mortgage loans or debts constituting liens on the property in which the proceeds from selling the residential real estate will fall short of the amount owed and the lien holders are contacted to agree to release their lien on the residential real estate and accept less than the full amount owed on the debt.

The Commissioner may define by rule and regulation any terms used in this Act for the efficient and clear administration of this Act.

(Source: P.A. 98-749, eff. 7-16-14; 98-1081, eff. 1-1-15; 99-78, eff. 7-20-15.)

(205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

Sec. 4-1. Commissioner of Banks and Real Estate; functions, powers, and duties. The functions, powers, and duties of the Commissioner of Banks and Real Estate shall include the following:

- (a) to issue or refuse to issue any license as provided by this Act;
- (b) to revoke or suspend for cause any license issued under this Act;
- (c) to keep records of all licenses issued under this Act;
- (d) to receive, consider, investigate, and act upon complaints made by any person in connection with any residential mortgage licensee in this State;
- (e) ~~(blank); to consider and act upon any recommendations from the Residential Mortgage Board;~~
- (f) to prescribe the forms of and receive:
 - (1) applications for licenses; and
 - (2) all reports and all books and records required to be made by any licensee under this Act, including annual audited financial statements and annual reports of mortgage activity;
- (g) to adopt rules and regulations necessary and proper for the administration of this Act;

(h) to subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(h-1) to issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule adopted in accordance with the Act;

(h-2) to address any inquiries to any licensee, or the officers thereof, in relation to its activities and conditions, or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed, to promptly reply in writing to such inquiries. The Commissioner may also require reports from any licensee at any time the Commissioner may deem desirable;

(i) to require information with regard to any license applicant as he or she may deem desirable, with due regard to the paramount interests of the public as to the experience, background, honesty, truthfulness, integrity, and competency of the license applicant as to financial transactions involving primary or subordinate mortgage financing, and where the license applicant is an entity other

than an individual, as to the honesty, truthfulness, integrity, and competency of any officer or director of the corporation, association, or other entity, or the members of a partnership;

(j) to examine the books and records of every licensee under this Act at intervals as specified in Section 4-2;

(k) to enforce provisions of this Act;

(l) to levy fees, fines, and charges for services performed in administering this Act;

the aggregate of all fees collected by the Commissioner on and after the effective date of this Act shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the Residential Finance Regulatory Fund under Section 4-1.5 of this Act; the amounts deposited into that Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund.

(m) to appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act;

(n) to conduct hearings for the purpose of:

(1) appeals of orders of the Commissioner;

(2) suspensions or revocations of licenses, or fining of licensees;

(3) investigating:

(i) complaints against licensees; or

(ii) annual gross delinquency rates; and

(4) carrying out the purposes of this Act;

(o) to exercise exclusive visitatorial power over a licensee unless otherwise authorized by this Act or as vested in the courts, or upon prior consultation with the Commissioner, a foreign residential mortgage regulator with an appropriate supervisory interest in the parent or affiliate of a licensee;

(p) to enter into cooperative agreements with state regulatory authorities of other states to provide for examination of corporate offices or branches of those states and to accept reports of such examinations;

(q) to assign an examiner or examiners to monitor the affairs of a licensee with whatever frequency the Commissioner determines appropriate and to charge the licensee for reasonable and necessary expenses of the Commissioner, if in the opinion of the Commissioner an emergency exists or appears likely to occur;

(r) to impose civil penalties of up to \$50 per day against a licensee for failing to respond to a regulatory request or reporting requirement; and

(s) to enter into agreements in connection with the Nationwide Mortgage Licensing System and Registry.

(Source: P.A. 98-1081, eff. 1-1-15.)

(205 ILCS 635/4-8) (from Ch. 17, par. 2324-8)

Sec. 4-8. Delinquency; examination.

(a) The Commissioner shall obtain from the U.S. Department of Housing and Urban Development that Department's loan delinquency data.

(b) The Commissioner shall conduct as part of an examination of each licensee a review of the licensee's loan delinquency data.

This subsection shall not be construed as a limitation of the Commissioner's examination authority under Section 4-2 of this Act or as otherwise provided in this Act. The Commissioner may require a licensee to provide loan delinquency data as the Commissioner deems necessary for the proper enforcement of the Act.

(c) The purpose of the examination under subsection (b) shall be to determine whether the loan delinquency data of the licensee has resulted from practices which deviate from sound and accepted mortgage underwriting practices, including but not limited to credit fraud, appraisal fraud and property inspection fraud. For the purpose of conducting this examination, the Commissioner may accept materials prepared for the U.S. Department of Housing and Urban Development. ~~At the conclusion of the examination, the Commissioner shall make his or her findings available to the Residential Mortgage Board.~~

(d) The Commissioner, at his or her discretion, may hold public hearings, ~~or at the direction of the Residential Mortgage Board, shall hold public hearings.~~ Such testimony shall be by a homeowner or mortgagor or his agent, whose residential interest is affected by the activities of the residential mortgage licensee subject to such hearing. At such public hearing, a witness may present testimony on his or her

behalf concerning only his or her home, or home mortgage or a witness may authorize a third party to appear on his or her behalf. The testimony shall be restricted to information and comments related to a specific residence or specific residential mortgage application or applications for a residential mortgage or residential loan transaction. The testimony must be preceded by either a letter of complaint or a completed consumer complaint form prescribed by the Commissioner.

(e) The Commissioner shall, at the conclusion of the public hearings, release his or her findings and shall also make public any action taken with respect to the licensee. The Commissioner shall also give full consideration to the findings of this examination whenever reapplication is made by the licensee for a new license under this Act.

(f) A licensee that is examined pursuant to subsection (b) shall submit to the Commissioner a plan which shall be designed to reduce that licensee's loan delinquencies. The plan shall be implemented by the licensee as approved by the Commissioner. A licensee that is examined pursuant to subsection (b) shall report monthly, for a one year period, one, 2, and 3 month loan delinquencies.

(g) Whenever the Commissioner finds that a licensee's loan delinquencies on insured mortgages is unusually high within a particular geographic area, he or she shall require that licensee to submit such information as is necessary to determine whether that licensee's practices have constituted credit fraud, appraisal fraud or property inspection fraud. The Commissioner shall promulgate such rules as are necessary to determine whether any licensee's loan delinquencies are unusually high within a particular area.

(Source: P.A. 99-15, eff. 1-1-16.)

(205 ILCS 635/1-5 rep.)

Section 20. The Residential Mortgage License Act of 1987 is amended by repealing Section 1-5.

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 foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Barickman, **Senate Bill No. 2955** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1; Present 1.

The following voted in the affirmative:

Althoff	Haine	McCarter	Righter
Anderson	Harris	McConchie	Rose
Barickman	Hastings	McConnaughay	Sandoval
Bertino-Tarrant	Holmes	McGuire	Silverstein
Biss	Hunter	Morrison	Stadelman
Bivins	Hutchinson	Mulroe	Steans
Brady	Jones, E.	Muñoz	Sullivan
Bush	Koehler	Murphy, L.	Syverson
Clayborne	Landek	Murphy, M.	Trotter
Collins	Lightford	Noland	Weaver
Connelly	Link	Nybo	
Cullerton, T.	Luechtefeld	Oberweis	
Cunningham	Martinez	Raoul	
Forby	McCann	Rezin	

The following voted in the negative:

[May 12, 2016]

Manar

The following voted present:

Mr. President

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

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

On motion of Senator Weaver, **Senate Bill No. 2961** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Sandoval, **Senate Bill No. 3020** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3020

AMENDMENT NO. 2. Amend Senate Bill 3020, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Innovations for Transportation Infrastructure Act.

Section 5. Legislative policy.

(a) It is the public policy of the State of Illinois to promote the development of infrastructure projects that serve the needs of the public.

[May 12, 2016]

(b) The design-build project delivery method and Construction Manager/General Contractor project delivery method and use of Alternative Technical Concepts have the potential to capture private sector innovation and safely deliver infrastructure projects on more predictable schedules and budgets. Earlier completion and lower cost for projects are possible with the ability to shift or share risks with the private sector that are generally retained by the public in the conventional design-bid-build project delivery method.

(c) It is the intent of the General Assembly that the Department of Transportation and the Illinois State Toll Highway Authority may evaluate and use Alternative Technical Concepts proposed by bidders and proposers and to use the design-build project delivery method and Construction Manager/General Contractor project delivery method.

(d) It is the intent of this Act to use design professionals, construction companies, and workers from this State to the greatest extent possible.

(e) The powers granted in this Act are in addition to any other powers authorized under applicable law.

Section 10. Definitions. As used in this Act:

"Alternative Technical Concepts" means a proposed deviation from the contract technical requirements set forth in the procurement documents for a transportation facility that offers a solution that is equal or better than the requirements in the procurement documents.

"Authority" means the Illinois State Toll Highway Authority.

"Best value" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price, qualitative concepts, and other factors.

"Chief procurement officer" means the chief procurement officer for the Transportation Agency.

"Construction Manager/General Contractor" means a proposer that has entered into a Construction Manager/General Contractor contract under this Act.

"Construction Manager/General Contractor contract" means the two-phase contract between the Transportation Agency and a Construction Manager/General Contractor, which includes a first phase addressing preconstruction services and a second phase addressing the construction of the transportation facility.

"Construction Manager/General Contractor project delivery method" means a method of procurement and contracting that makes a Construction Manager/General Contractor who enters into a contract with the Transportation Agency responsible for certain preconstruction services and then, if the parties reach agreement on key terms, responsible for construction of the transportation facility.

"Department" means the Illinois Department of Transportation.

"Design-bid-build project delivery method" means the traditional method of procuring and contracting for design services and construction services used separately in this State, which incorporates the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and the principles of competitive bidding under the Illinois Procurement Code.

"Design-build contract" means a contract between the Transportation Agency and a design-builder under which the design-builder agrees to furnish architectural, surveying, engineering, construction, and related services for a transportation facility.

"Design-build project delivery method" means a method of procurement and contracting that provides responsibility within a single contract between the Transportation Agency and a design-builder for the furnishing of architectural, surveying, engineering, construction, and related services for a transportation facility.

"Design-builder" means a proposer that has entered into a design-build contract with the Transportation Agency under this Act.

"Evaluation Committee" means the committee assembled to evaluate and score statements of qualifications and proposals.

"Evaluation criteria" means the standards and requirements established by the Transportation Agency against which the qualifications and proposals of a proposer will be assessed during the procurement of a design-build contract or Construction Manager/General Contractor contract, as applicable.

"Executive Director" means the Executive Director of the Illinois State Toll Highway Authority.

"Metropolitan planning organization" means a metropolitan planning organization under 23 U.S.C. 134 whose metropolitan planning area boundaries are partially or completely within this State.

"Preconstruction services" means all non-construction-related services that a Construction Manager/General Contractor is required to perform during the first phase of a Construction Manager/General Contractor contract, which may include, but is not limited to, giving advice to the Transportation Agency regarding scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

"Proposal" means a proposer's response to a request for proposals.

"Proposer" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity legally established to conduct business in this State that proposes to be the design-builder or Construction Manager/General Contractor for any transportation facility under this Act.

"Qualifications" means a statement of qualifications submitted by a proposer in response to a request for qualifications.

"Request for proposals" means the document issued by the Transportation Agency to solicit proposals and describe the procurement process for a design-build contract or Construction Manager/General Contractor contract in accordance with the design-build project delivery method or the Construction Manager/General Contractor project delivery method, as applicable.

"Request for qualifications" means the document issued by the Transportation Agency in the first phase of a two-phase procurement to solicit qualifications from proposers in accordance with the design-build project delivery method or the Construction Manager/General Contractor project delivery method, as applicable.

"Scope and performance requirements" means the activities, constructed elements, and standards of performance the Transportation Agency requires the design-builder or the Construction Manager/General Contractor to comply with in the development of the transportation facility, which may include, but is not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, preliminary engineering, design, and other requirements as developed and determined by the Transportation Agency.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Transportation Agency" means the Illinois Department of Transportation or the Illinois State Toll Highway Authority.

"Transportation facility" means any new or existing facility or group of facilities that are the subject of a design-build contract or a Construction Manager/General Contractor contract, and which may include highways, roads, bridges, tunnels, overpasses, bus ways, guideways, ferries, airports or other aviation facilities, public transportation facilities, vehicle parking facilities, port facilities, rail facilities, stations, hubs, terminals, intermodal facilities, transit facilities, or similar facilities used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances, intelligent transportation systems, and other property or facilities related to the operation or maintenance of these facilities.

Section 15. Authorization of project delivery methods.

(a) Notwithstanding any other law, and as authority supplemental to its existing powers, the Transportation Agency, in accordance with this Act, may use the design-build project delivery method for transportation facilities, provided that the capital costs for transportation facilities delivered utilizing the design-build project delivery method or Construction Manager/General Contractor project delivery method or Alternative Technical Concepts in a design-bid-build project delivery method do not: (i) for transportation facilities delivered by the Department, exceed 20% of the Department's multi-year highway improvement program for any 5-year period with no one year period exceeding 30%; or (ii) for transportation facilities delivered by the Authority, exceed 20% of the Authority's annual improvement program. The Transportation Agency shall make this calculation prior to commencing the procurement. Notwithstanding any other law, and as authority supplemental to its existing power, the Department, in accordance with this Act, may use the Construction Manager/General Contractor project delivery method for up to 2 transportation facilities. Prior to commencing a procurement under this Act for either a design-build contract or a Construction Manager/General Contractor contract, the Transportation Agency shall first undertake an analysis and make a written determination that it is in the best interests of this State to utilize the selected delivery method for that transportation facility. The analysis and determination shall discuss the design-build project delivery method or Construction Manager/General Contractor project delivery method's impact on the anticipated schedule, completion date, and project costs. The best interests of the State analysis shall be made available to the public.

(b) The Transportation Agency shall report to the General Assembly annually for the first 5 years after the effective date of this Act on the progress of procurements and transportation facilities procured under this Act.

Section 20. Preconditions to commencement of procurement.

If the Transportation Agency determines to use the design-build project delivery method or the Construction Manager/General Contractor project delivery method for a particular transportation facility,

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the Transportation Agency may not commence a procurement for the transportation facility until the Transportation Agency has satisfied the requirements of both paragraphs (1) and (2) of this Section:

(1) the Transportation Agency does one of the following:

(A) the Transportation Agency includes the transportation facility in the Transportation Agency's respective multi-year highway improvement program and designates it as a design-build project delivery method project or Construction Manager/General Contractor project;

(B) the Transportation Agency has issued a notice of intent to receive qualifications, that includes a description of the proposed procurement and transportation facility, at least 14 days prior to the issuance of the request for qualifications, and for a Department issued notice of intent shall publish the notice in the Illinois Transportation Procurement Bulletin and for an Authority issued notice of intent shall publish the notice in the Illinois Procurement Bulletin; or

(C) for a single phase procurement authorized under subsection (a) of Section 25 of this Act, the Transportation Agency has issued a notice of intent to receive proposals, that includes a description of the proposed procurement and transportation facility, at least 14 days prior to the issuance of the request for proposals, for a Department issued notice of intent shall publish the notice in the Illinois Transportation Procurement Bulletin and for an Authority issued notice of intent shall publish the notice in the Illinois Procurement Bulletin; and

(2) the Transportation Agency shall use its best efforts to ensure that the transportation facility is consistent with the regional plan in existence at the time of any metropolitan planning organization in which the boundaries of the transportation facility is located, or any other publicly-approved plan.

Section 25. Procurement process.

(a) The Transportation Agency may solicit a proposer with which to enter into a design-build contract or Construction Manager/General Contractor contract, as applicable, by using, without limitation, one or more requests for qualifications, short-listing of the most highly qualified proposers, requests for proposals, and negotiations. The Transportation Agency shall use a two-phase procurement for a design-build contract to select the successful proposer; provided that the Transportation Agency may use a single phase procurement if the transportation facility is estimated to cost less than \$5,000,000 or the Secretary or the Executive Director makes a written determination that the Transportation Agency may use a single phase procurement for a particular transportation facility. In a two-phase procurement, the Transportation Agency shall use the first phase to evaluate and short-list the most highly qualified proposers based on a proposer's qualifications, and then use the second phase to evaluate and select a proposer based on proposals submitted by the short-listed proposers. During the first phase of a two-phase procurement, the Transportation Agency shall not consider price proposals to make its short-list decision. In a single phase procurement, the Transportation Agency shall solicit proposers with a request for proposals, and shall evaluate and select a proposer based on those proposals.

(b) The request for qualifications may contain any information deemed appropriate by the Transportation Agency including, without limitation, the following information:

(1) the anticipated scope of work for the transportation facility;

(2) a requirement that the proposer identify certain key personnel, and for design-build contracts certain key firms, the experience of the personnel and firms, and the conditions on which identified personnel and firms can be replaced;

(3) the evaluation criteria for the qualifications and the relative importance of those criteria; these evaluation criteria may address, without limitation, the proposer's technical and financial qualifications, such as specialized experience, technical competence, capability to perform, financial capacity, the proposer's workload, local office presence, past performance, including the proposer's safety record, and any other qualifications-based factors;

(4) the Transportation Agency's prequalification, licensing, and registration requirements, including any requirements from the Professional Engineering Practice Act of 1989, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, and the Illinois Professional Land Surveyor Act of 1989, provided that nothing contained herein precludes the Transportation Agency's use of additional prequalification criteria or pass/fail evaluation factors addressing minimum levels of technical experience or financial capabilities;

(5) the maximum number of proposers the Transportation Agency will short-list to submit proposals; and

(6) any other relevant information the Transportation Agency deems appropriate.

(c) Upon completion of the qualifications evaluation, the Transportation Agency shall, based on the evaluation criteria set forth in the request for qualifications, create a short-list of the most highly qualified proposers. The Transportation Agency shall short-list no more than 5 and no fewer than 2 of the most

highly qualified proposers. Notwithstanding other provisions of this subsection (c), the Transportation Agency may short-list fewer than 2 proposers if the Secretary or the Executive Director make a finding that an emergency situation justifies the limited short-listing and fewer than 2 proposers meet any applicable prequalification or pass/fail requirements set forth in the request for qualifications.

(d) The request for proposals may contain any information deemed appropriate by the Transportation Agency including, without limitation, the following information:

(1) the form and amount of required bid security;

(2) the terms of the design-build contract or Construction Manager/General Contractor contract including, but not limited to, scope and performance requirements, schedule or completion date requirements, subcontractor requirements, payment and performance security requirements, and insurance requirements;

(3) the requirements for the technical component of the proposal, including a description of the level of design, scope and type of renderings, drawings, and specifications to be provided in the proposals;

(4) the requirements for the price component of the proposal, which for Construction Manager/General Contractor contracts may include a requirement for the proposer to submit a lump sum price for the direct costs to perform the required preconstruction services and percentage mark-up on those direct costs;

(5) the evaluation criteria for the proposals, including technical criteria, innovation, and schedule, and the relative importance of those criteria, as the Transportation Agency deems appropriate;

(6) a process for the Transportation Agency to review and accept Alternative Technical Concepts;

(7) requirements regarding the proposer's qualifications; and

(8) any other relevant information the Transportation Agency deems appropriate.

(e) Prior to the proposers' submittal of proposals, the Transportation Agency may conduct confidential meetings and exchange confidential information with proposers to promote understanding of the request for proposals, review Alternative Technical Concepts, or discuss other issues related to the procurement.

(f) The date proposals are due must be at least 28 calendar days after the date the Transportation Agency first issues the request for proposals.

(g) The Transportation Agency may offer to pay a stipend in an amount and on the terms and conditions determined by the Transportation Agency and as set forth in the request for proposals to: (1) all short-listed proposers if the Transportation Agency cancels the procurement before the due date for proposals; or (2) each unsuccessful proposer that submits a responsive proposal. The Transportation Agency may pay a stipend only to those proposers who grant to the Transportation Agency the right to use any work product contained in the unsuccessful proposer's proposal and other proposal-related submissions or, if the Transportation Agency cancels the procurement before the due date for proposals, any work product developed prior to cancellation, including technologies, techniques, methods, processes, and information contained in the recipient's design for the transportation facility.

(h) The Transportation Agency shall, as appropriate depending on whether the transportation facility includes building facilities, directly employ or retain a professional engineer or engineers licensed in this State or a licensed architect or architects, or both engineers licensed in this State and licensed architects, to prepare the scope and assist in the evaluation of the proposals' technical submissions under a design-build project delivery method. The professional engineers and licensed architects performing these services are generally precluded from participating in the procurement of the transportation facility at issue as a member of a proposer team.

(i) The Transportation Agency shall have the right to reject any and all qualifications or proposals, including, but not limited to, the right to reject any qualifications or proposals as non-responsive if, in the Transportation Agency's sole discretion, the qualifications or proposals do not meet all material requirements of the request for qualifications or request for proposals, as appropriate. The Transportation Agency shall not consider a proposal that does not include:

(1) the proposer's plan to comply with requirements established by the Transportation

Agency regarding utilization of business enterprises, including disadvantaged business enterprises; or

(2) bid security in the form and amount designated in the request for proposals.

(j) The Transportation Agency shall consult with the appropriate chief procurement officer on the design-build project delivery method and the Construction Manager/General Contractor project delivery method procurement processes, and the Secretary or the Executive Director, in consultation with the chief procurement officer, shall determine which procedures to adopt and apply to the design-build project delivery method and Construction Manager/General Contractor project delivery method procurement

processes in order to ensure an open, transparent, and efficient process that accomplishes the purposes of this Act.

Section 30. Evaluation committee.

(a) The Transportation Agency shall establish one or more evaluation committees to assist in selecting a design-builder and a Construction Manager/General Contractor. The Transportation Agency shall, in its sole discretion, determine the appropriate size and composition of the evaluation committee, provided that at least half of the committee must be licensed design professionals.

(b) The Transportation Agency may establish an evaluation committee for a set term or for the procurement of a particular transportation facility.

(c) Once the Transportation Agency identifies the proposers for a transportation facility, each member of an evaluation committee must certify that no conflict of interest exists between the member and the proposers. If the Transportation Agency, after consultation with the chief procurement officer, determines that an actual conflict exists, the member shall not participate on the evaluation committee for that procurement and the Transportation Agency shall appoint a replacement member on either a permanent or temporary basis.

Section 35. Procedures for selection. The Transportation Agency shall review, evaluate, score, and rank proposals and determine which proposal offers the best value to the public based on the evaluation criteria set forth in the request for proposals. The Transportation Agency shall award the contract based on this determination. Notwithstanding other provisions of this Section, if for any reason the proposer awarded the contract is unable or unwilling to execute the contract, including the failure of the proposer and the Transportation Agency to successfully complete negotiations, if any, of the contract, the Transportation Agency may award the contract to the proposer whose proposal the Transportation Agency determines offers the public the next best value.

Section 40. Project records; confidentiality; public disclosure.

(a) The Transportation Agency shall maintain all written decisions, qualification and proposal evaluations, scoring documents, selection evaluations, proposals, and procurement documents in a procurement file maintained by the Transportation Agency.

(b) A proposer may identify those portions of a proposal or other submission that the proposer considers to be trade secrets or confidential, commercial, financial, or proprietary information. To consider confidential and proprietary information, including trade secrets, to be exempt from disclosure, the proposer shall do all of the following:

(1) request exclusion from disclosure upon submission of the information or other materials for which protection is sought;

(2) identify the data or other materials for which protection is sought;

(3) state the statutory or regulatory basis for the protection;

(4) fully comply with the federal Freedom of Information Act and any other applicable provisions of State law, including, but not limited to, the Freedom of Information Act, with respect to information the proposer contends should be exempt from disclosure; and

(5) certify if the information is in accordance with the protection of the Illinois Trade Secrets Act.

(c) Notwithstanding any other provision of law, in order to properly balance the need to maximize competition under this Act with the need to create a transparent procurement process, the qualifications, proposals, and other information and documents submitted by proposers and the Transportation Agency's evaluation records shall not be subject to release or disclosure by the Transportation Agency until execution of the design-build contract or Construction Manager/General Contractor contract, as applicable. If the Transportation Agency terminates the procurement for a transportation facility, the exemption from release or disclosure under this Section shall remain in place until the Transportation Agency re-procures the transportation facility and has entered into a design-build contract or Construction Manager/General Contractor contract, as applicable. However, this exemption shall lapse if the Transportation Agency does not commence the re-procurement of the transportation facility within 5 years of the termination.

Section 45. Design-build contract. A design-build contract may include any provisions the Transportation Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

(1) compensation or payments to the design-builder;

(2) grounds for termination of the design-build contract, including the Transportation Agency's right to terminate for convenience;

(3) liability for damages and nonperformance;

(4) events of default and the rights and remedies available to the design-builder and the Transportation Agency in the event of a default or delay;

(5) the identification of any technical specifications that the design-builder must comply with when developing plans or performing construction work;

(6) the procedures for review and approval of the design-builder's plans;

(7) required performance and payment security;

(8) the terms and conditions of indemnification and minimum insurance requirements; and

(9) any other terms and conditions the Transportation Agency deems necessary.

Section 50. Construction Manager/General Contractor contract.

(a) The Construction Manager/General Contractor contract shall divide the Construction Manager/General Contractor services into 2 phases. The first phase shall address preconstruction services and the procedures the parties shall follow to finalize the contract terms for the second phase. The second phase shall address the Construction Manager/General Contractor's construction of the transportation facility for a lump sum or a guaranteed maximum price.

(b) A Construction Manager/General Contractor contract shall include provisions regarding the following:

(1) the Construction Manager/General Contractor's provision of preconstruction services during the first phase of the contract, including the Construction Manager/General Contractor's compensation for those services;

(2) a requirement that, during the first phase of the contract, the Construction Manager/General Contractor shall use a competitive bidding process to procure subcontracts for at least the minimum percentage of construction work specified in the request for proposals, provided that:

(A) compliance with this requirement shall be based on an estimated cost for the construction work approved by the Transportation Agency prior to the start of the competitive bidding process; and

(B) the Construction Manager/General Contractor may not use subcontracts with its wholly or partially owned subsidiaries, parent companies, or affiliates to satisfy this obligation;

(3) the process the Transportation Agency and the Construction Manager/General Contractor shall use to determine a lump sum or guaranteed maximum price for the construction work, which shall include a requirement that the Transportation Agency conduct an independent cost estimate for the construction work; and

(4) grounds for termination of the Construction Manager/General Contractor contract, including the Transportation Agency's right to terminate the contract and not proceed with the construction phase of the project if the Transportation Agency and the Construction Manager/General Contractor are unable to negotiate a lump sum or guaranteed maximum price for the construction work.

(c) In addition to the provisions under subsection (b) of this Section, a Construction Manager/General Contractor contract may include any other provisions the Transportation Agency determines are necessary or appropriate, including, but not limited to, provisions regarding the following:

(1) liability for damages and nonperformance;

(2) events of default and the rights and remedies available to the Construction Manager/General Contractor and the Transportation Agency in the event of a default or delay;

(3) the identification of any technical specifications that the Construction Manager/General Contractor must comply with when aiding the Transportation Agency with developing plans or performing construction work;

(4) required performance and payment security for the construction phase of the contract;

(5) the terms and conditions of indemnification and minimum insurance requirements; and

(6) any other terms and conditions the Transportation Agency deems necessary.

(d) If the Construction Manager/General Contractor contract is terminated for any reason, the Transportation Agency may, in its sole discretion, re-advertise the Construction Manager/General Contractor contract under this Act or use any other authorized procurement method to complete the transportation facility or any portion of the transportation facility. Once the contract is terminated, the

Transportation Agency may use any work product developed by the Construction Manager/General Contractor to complete the transportation facility.

Section 55. Funding and financing.

(a) The Transportation Agency may utilize any lawful source of funding and financing to compensate a design-builder and Construction Manager/General Contractor for work and services performed under a design-build contract or Construction Manager/General Contractor contract, as applicable, and the Transportation Agency may combine federal, State, local, and private funds to finance a transportation facility.

(b) Subject to appropriation by the General Assembly of the required amounts, the Transportation Agency may obligate and make expenditures of funds as and when needed to satisfy its payment obligations under a design-build contract or Construction Manager/General Contractor contract.

Section 56. Utilization requirements. Design-builder and Construction Manager/General Contractor projects shall comply with Section 2-105 of the Illinois Human Rights Act and all applicable laws and rules that establish standards and procedures for the utilization of minority, disadvantaged, and female-owned businesses, including, but not limited to, the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 60. Acquisition of property and related agreements. The Transportation Agency may exercise any and all powers of condemnation or eminent domain, including quick-take powers, to acquire lands or estates or interests in land for a transportation facility under this Act to the extent the Transportation Agency finds that the action serves the public purpose of this Act and deems the action appropriate in the exercise of its powers under this Act. In addition, the Transportation Agency and a design-builder or Construction Manager/General Contractor may enter into leases, licenses, easements, and other grants of property interests that the Transportation Agency determines are necessary to deliver a transportation facility under this Act.

Section 65. Federal requirements. In the procurement of design-build contracts and Construction Manager/General Contractor contracts, the Transportation Agency shall, to the extent applicable, comply with federal law and regulations and take all necessary steps to adapt its rules, policies, and procedures to remain eligible for federal aid.

Section 70. Powers. The powers granted to the Transportation Agency under this Act, including the power to procure and enter into design-build contracts and Construction Manager/General Contractor contracts, shall be liberally construed to accomplish its purpose, are in addition to any existing powers of the Transportation Agency, and shall not affect or impair any other powers authorized under applicable law.

Section 75. Rulemaking.

(a) The Illinois Administrative Procedure Act applies to all administrative rules and procedures of the Transportation Agency under this Act, except that nothing in this Act shall be construed to render any prequalification or other responsibility criteria as a "license" or "licensing" under that Act.

(b) The appropriate chief procurement officer, in consultation with the Transportation Agency, may adopt rules to carry out the provisions of this Act.

Section 905. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-233 as follows:

(20 ILCS 2705/2705-233 new)

Sec. 2705-233. Design-build and Construction Manager/General Contractor for the transportation infrastructure. The Department may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary or incidental to the performance of its powers under that Act, and powers related to any transportation facility implemented under that Act.

Section 910. The Illinois Finance Authority Act is amended by adding Section 825-108 as follows:

(20 ILCS 3501/825-108 new)

Sec. 825-108. Transportation project financing. For the purpose of financing a transportation facility undertaken under the Innovations for Transportation Infrastructure Act, the Authority may apply for an

allocation of tax-exempt bond financing authorization provided by subsection (m) of Section 142 of the United States Internal Revenue Code, as well as financing available under any other federal law or program.

Section 915. The Illinois Procurement Code is amended by adding Section 1-10.5 as follows:
(30 ILCS 500/1-10.5 new)

Sec. 1-10.5. Alternative Technical Concepts. Notwithstanding subsection (b) of Section 1-10 of this Code, the Department of Transportation and the Illinois State Toll Highway Authority may allow bidders and proposers to submit Alternative Technical Concepts in their bids and proposals, provided the Department or Authority determines that the Alternative Technical Concepts provide an equal or better solution than the underlying technical requirements applicable to the work. Notwithstanding the above, for projects the Department or Authority delivers using the design-bid-build project delivery method, the Department or Authority shall only use the Alternative Technical Concepts process for up to 3 projects. If the Department or Authority allows bidders or proposers for a particular contract to submit Alternative Technical Concepts, the Department or Authority shall describe the process for submission and evaluation of Alternative Technical Concepts in the procurement documents for that contract, including the potential use of confidential meetings and the exchange of confidential information with bidders and proposers to review and discuss potential or proposed Alternative Technical Concepts. For the purposes of this Section, the terms "Alternative Technical Concepts" and "design-bid-build project delivery method" have the meanings ascribed to those terms in the Innovations for Transportation Infrastructure Act.

Section 920. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by adding Section 85 as follows:

(30 ILCS 535/85 new)

Sec. 85. Design-build and Construction Manager/General Contractor contracts. This Act shall not apply to the procurement of or contracting for transportation facilities using design-build contracts and Construction Manager/General Contractor contracts under the Innovations for Transportation Infrastructure Act.

Section 925. The Public Construction Bond Act is amended by adding Section 1.9 as follows:
(30 ILCS 550/1.9 new)

Sec. 1.9. Design-build contracts and Construction Manager/General Contractor contracts. This Act applies to any design-build contract or Construction Manager/General Contractor contract entered into under the Innovations for Transportation Infrastructure Act.

Section 930. The Employment of Illinois Workers on Public Works Act is amended by adding Section 2.8 as follows:

(30 ILCS 570/2.8 new)

Sec. 2.8. Design build and Construction Manager/General Contractor contracts. This Act applies to any design build contracts and Construction Manager/General Contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 931. The Business Enterprise for Minorities, Females, and Persons with Disabilities Act is amended by adding Section 2.8 as follows:

(30 ILCS 575/2.8 new)

Sec. 2.8. Design build and Construction Manager/General Contractor contracts. This Act applies to any design-build contracts and Construction Manager/General Contractor contracts entered into under the Innovations for Transportation Infrastructure Act.

Section 935. The Toll Highway Act is amended by adding Section 11.2 as follows:
(605 ILCS 10/11.2 new)

Sec. 11.2. Design-build and Construction Manager/General Contractor contracts. The Authority may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act, including, but not limited to, the power to enter into all contracts or agreements necessary to perform its powers under that Act, and any powers related to a transportation facility implemented under that Act.

Section 940. The Eminent Domain Act is amended by adding Section 15-5-48 as follows:
(735 ILCS 30/15-5-48 new)

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Sec. 15-5-48. Eminent domain powers in new Acts. The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

The Innovations for Transportation Infrastructure Act; for the purposes of constructing a transportation facility under the Act.

Section 945. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; ~~and~~ (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act ; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13; 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff. 7-16-14.)

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee on Assignments.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sandoval, **Senate Bill No. 3020** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Haine	McCann	Righter
Anderson	Harris	McCarter	Rose
Bennett	Hastings	McConchie	Sandoval
Bertino-Tarrant	Holmes	McConnaughay	Silverstein
Biss	Hunter	McGuire	Stadelman
Bivins	Hutchinson	Morrison	Stears
Bush	Jones, E.	Mulroe	Sullivan
Clayborne	Koehler	Muñoz	Syverson
Collins	Landek	Murphy, L.	Trotter
Connelly	Lightford	Murphy, M.	Van Pelt
Cullerton, T.	Link	Noland	Mr. President
Cunningham	Luechtefeld	Oberweis	
Delgado	Manar	Raoul	
Forby	Martinez	Rezin	

The following voted present:

Harmon

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

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

SENATE BILL RECALLED

[May 12, 2016]

On motion of Senator Trotter, **Senate Bill No. 3080** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3080

AMENDMENT NO. 1. Amend Senate Bill 3080 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-30.1 as follows:
(305 ILCS 5/5-30.1)

Sec. 5-30.1. Managed care protections.

(a) As used in this Section:

"Managed care organization" or "MCO" means any entity which contracts with the Department to provide services where payment for medical services is made on a capitated basis.

"Emergency services" include:

(1) emergency services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(2) emergency medical screening examinations, as defined by Section 10 of the Managed Care Reform and Patient Rights Act;

(3) post-stabilization medical services, as defined by Section 10 of the Managed Care Reform and Patient Rights Act; and

(4) emergency medical conditions, as defined by Section 10 of the Managed Care Reform and Patient Rights Act.

(b) As provided by Section 5-16.12, managed care organizations are subject to the provisions of the Managed Care Reform and Patient Rights Act.

(c) An MCO shall pay any provider of emergency services that does not have in effect a contract with the contracted Medicaid MCO. The default rate of reimbursement shall be the rate paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments, and all outlier add-on adjustments to the extent such adjustments are incorporated in the development of the applicable MCO capitated rates.

(d) An MCO shall pay for all post-stabilization services as a covered service in any of the following situations:

(1) the MCO authorized such services;

(2) such services were administered to maintain the enrollee's stabilized condition within one hour after a request to the MCO for authorization of further post-stabilization services;

(3) the MCO did not respond to a request to authorize such services within one hour;

(4) the MCO could not be contacted; or

(5) the MCO and the treating provider, if the treating provider is a non-affiliated provider, could not reach an agreement concerning the enrollee's care and an affiliated provider was unavailable for a consultation, in which case the MCO must pay for such services rendered by the treating non-affiliated provider until an affiliated provider was reached and either concurred with the treating non-affiliated provider's plan of care or assumed responsibility for the enrollee's care. Such payment shall be made at the default rate of reimbursement paid under Illinois Medicaid fee-for-service program methodology, including all policy adjusters, including but not limited to Medicaid High Volume Adjustments, Medicaid Percentage Adjustments, Outpatient High Volume Adjustments and all outlier add-on adjustments to the extent that such adjustments are incorporated in the development of the applicable MCO capitated rates.

(e) The following requirements apply to MCOs in determining payment for all emergency services:

(1) MCOs shall not impose any requirements for prior approval of emergency services.

(2) The MCO shall cover emergency services provided to enrollees who are temporarily away from their residence and outside the contracting area to the extent that the enrollees would be entitled to the emergency services if they still were within the contracting area.

(3) The MCO shall have no obligation to cover medical services provided on an emergency basis that are not covered services under the contract.

(4) The MCO shall not condition coverage for emergency services on the treating provider notifying the MCO of the enrollee's screening and treatment within 10 days after presentation for emergency services.

(5) The determination of the attending emergency physician, or the provider actually

treating the enrollee, of whether an enrollee is sufficiently stabilized for discharge or transfer to another facility, shall be binding on the MCO. The MCO shall cover emergency services for all enrollees whether the emergency services are provided by an affiliated or non-affiliated provider.

(6) The MCO's financial responsibility for post-stabilization care services it has not pre-approved ends when:

(A) a plan physician with privileges at the treating hospital assumes responsibility for the enrollee's care;

(B) a plan physician assumes responsibility for the enrollee's care through transfer;

(C) a contracting entity representative and the treating physician reach an agreement concerning the enrollee's care; or

(D) the enrollee is discharged.

(f) Network adequacy and transparency.

(1) The Department shall:

(A) ensure that an adequate provider network is in place, taking into consideration health professional shortage areas and medically underserved areas;

(B) publicly release an explanation of its process for analyzing network adequacy;

(C) periodically ensure that an MCO continues to have an adequate network in place; and

(D) require MCOs to maintain an updated and public list of network providers.

(2) Each MCO shall confirm its receipt of information submitted specific to physician additions or physician deletions from the MCO's provider network within 3 days after receiving all required information from contracted physicians, and electronic physician directories must be updated consistent with current rules as published by the Centers for Medicare and Medicaid Services or its successor agency.

(g) Timely payment of claims.

(1) The MCO shall pay a claim within 30 days of receiving a claim that contains all the essential information needed to adjudicate the claim.

(2) The MCO shall notify the billing party of its inability to adjudicate a claim within 30 days of receiving that claim.

(3) The MCO shall pay a penalty that is at least equal to the penalty imposed under the Illinois Insurance Code for any claims not timely paid.

(4) The Department may establish a process for MCOs to expedite payments to providers based on criteria established by the Department.

(g-5) Recognizing that the rapid transformation of the Illinois Medicaid program may have unintended operational challenges for both payers and providers:

(1) in no instance shall a medically necessary covered service rendered in good faith, based upon eligibility information documented by the provider, be denied coverage or diminished in payment amount if the eligibility or coverage information available at the time the service was rendered is later found to be inaccurate; and

(2) the Department shall, by December 31, 2016, adopt rules establishing policies that shall be included in the Medicaid managed care policy and procedures manual addressing payment resolutions in situations in which a provider renders services based upon information obtained after verifying a patient's eligibility and coverage plan through either the Department's current enrollment system or a system operated by the coverage plan identified by the patient presenting for services:

(A) such medically necessary covered services shall be considered rendered in good faith;

(B) such policies and procedures shall be developed in consultation with industry representatives of the Medicaid managed care health plans and representatives of provider associations representing the majority of providers within the identified provider industry; and

(C) such rules shall be published for a review and comment period of no less than 30 days on the Department's website with final rules remaining available on the Department's website.

(3) The rules on payment resolutions shall include, but not be limited to:

(A) the extension of the timely filing period;

(B) retroactive prior authorizations; and

(C) guaranteed minimum payment rate of no less than the current, as of the date of service, fee-for-service rate, plus all applicable add-ons, when the resulting service relationship is out of network.

(4) The rules shall be applicable for both MCO coverage and fee-for-service coverage.

(g-6) MCO Performance Metrics Report.

(1) The Department shall publish on at least a quarterly basis, each MCO's operational performance, including, but not limited to, the following categories of metrics:

(A) claims payment, including timeliness and accuracy;

(B) prior authorizations;

(C) grievance and appeals;

(D) utilization statistics;

(E) provider disputes;

(F) provider credentialing; and

(G) member and provider customer service.

(2) The Department shall ensure that the metrics report is accessible to providers online by January 1, 2017.

(3) The metrics shall be developed in consultation with industry representatives of the Medicaid managed care health plans and representatives of associations representing the majority of providers within the identified industry.

(4) Metrics shall be defined and incorporated into the applicable Managed Care Policy Manual issued by the Department.

(h) The Department shall not expand mandatory MCO enrollment into new counties beyond those counties already designated by the Department as of June 1, 2014 for the individuals whose eligibility for medical assistance is not the seniors or people with disabilities population until the Department provides an opportunity for accountable care entities and MCOs to participate in such newly designated counties.

(i) The requirements of this Section apply to contracts with accountable care entities and MCOs entered into, amended, or renewed after the effective date of this amendatory Act of the 98th General Assembly. (Source: P.A. 98-651, eff. 6-16-14.)

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 foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Trotter, **Senate Bill No. 3080** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

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

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

[May 12, 2016]

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

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

At the hour of 2:33 o'clock p.m., Senator Clayborne, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 12, 2016 meeting, reported that the Committee recommends that **Senate Bill No. 3112** be re-referred from the Committee on Executive to the Committee on Judiciary.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 12, 2016 meeting, reported that the Committee recommends that **Senate Resolution No. 1752** be re-referred from the Committee on State Government and Veterans Affairs to the Committee on Human Services.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 12, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendment 2 to Senate Bill 2038

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

At the hour of 2:34 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:57 o'clock p.m., the Senate resumed consideration of business.
Senator Link, presiding.

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

On motion of Senator Steans, **Senate Bill No. 2038**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	McCarter	Rose
Anderson	Harmon	McConchie	Sandoval
Barickman	Hastings	McConnaughay	Silverstein
Bennett	Holmes	McGuire	Stadelman
Bertino-Tarrant	Hunter	Morrison	Steans
Biss	Hutchinson	Mulroe	Sullivan
Bivins	Jones, E.	Muñoz	Syverson
Brady	Koehler	Murphy, L.	Trotter

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Bush	Landek	Murphy, M.	Van Pelt
Clayborne	Lightford	Noland	Weaver
Collins	Link	Nybo	Mr. President
Connelly	Luechtefeld	Oberweis	
Cullerton, T.	Manar	Raoul	
Cunningham	Martinez	Rezin	
Forby	McCann	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 2038**.

Ordered that the Secretary inform the House of Representatives thereof.

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

The motion prevailed.

EXECUTIVE SESSION

MOTION IN WRITING

Pursuant to Senate Rule 10-1(c), as the Chairman of the Executive Appointments Committee, I move to compile the following Appointment Messages to be acted on together by a single vote of the Senate:

AMs 990254 and 990255 (Amusement Ride & Attraction Safety Board)
 AM 990266 (Financial Reporting Standards Board)
 AMs 990222, 990389 and 990432 (Illinois Board of Higher Education)
 AMs 990357 and 990369 (Illinois Torture Inquiry & Relief Commission)
 AM 990272 (Lottery Control Board)
 AM 990327 (State Employees Retirement System of Illinois)
 AMs 990246 and 990287 (State Medical Disciplinary Board)
 AMs 990288 and 990293 (State University Retirement Systems Board of Trustees)
 AM 990247 (Waukegan Port District Board)
 AMs 990227 and 990228 (Weatherization Initiative Board)
 AMs 990257, 990258, 990259, 990280, 990289, 990290 and 990294 (Workforce Investment Board)

Date: **May 12, 2016**

s/Senator Antonio Muñoz
 ASSISTANT MAJORITY LEADER ANTONIO MUÑOZ
 CHAIRMAN, EXECUTIVE APPOINTMENTS COMMITTEE

The Chair ordered the foregoing motion to be printed on the Senate Calendar.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 990477, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 990477

Title of Office: Assistant Director

Agency or Other Body: Illinois Department of Labor

Start Date: May 8, 2015

[May 12, 2016]

End Date: January 16, 2017

Name: Anna Hui

Residence: 163 E. Van Buren St., Apt. 2, Elmhurst, IL 60126

Annual Compensation: \$113,141

Per diem: Not Applicable

Nominee's Senator: Senator Chris Nybo

Most Recent Holder of Office: Tumia Romero

Superseded Appointment Message: Appointment Message 201 of the 99th General Assembly

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

YEAS 46; NAY 1.

The following voted in the affirmative:

Althoff	Haine	McConchie	Rezin
Anderson	Hastings	McConnaughay	Righter
Barickman	Hunter	McGuire	Rose
Bertino-Tarrant	Hutchinson	Morrison	Sandoval
Biss	Jones, E.	Mulroe	Stadelman
Bivins	Koehler	Muñoz	Steans
Brady	Landek	Murphy, L.	Syverson
Bush	Lightford	Murphy, M.	Trotter
Collins	Link	Noland	Van Pelt
Connelly	Luechtefeld	Nybo	Weaver
Cullerton, T.	Martinez	Oberweis	
Cunningham	McCann	Raoul	

The following voted in the negative:

Manar

The motion prevailed.

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

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

Senator Link, presiding.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Bill 553
 Floor Amendment No. 1 to Senate Bill 1048
 Floor Amendment No. 5 to Senate Bill 2417
 Floor Amendment No. 1 to Senate Bill 2932

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

[May 12, 2016]

House Amendment No. 5 to House Bill 2569
House Amendment No. 2 to House Bill 4576
House Amendment No. 1 to House Bill 5668
House Amendment No. 1 to House Bill 5910
House Amendment No. 1 to House Bill 6333

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1841

Offered by Senator Link and all Senators:
Mourns the death of Frank A. Belmont, Jr., of Gurnee.

SENATE RESOLUTION NO. 1842

Offered by Senator Link and all Senators:
Mourns the death of Loretta Bobrowski-Block.

SENATE RESOLUTION NO. 1843

Offered by Senator Link and all Senators:
Mourns the death of Albert L. Hall, Jr., of Kenosha.

SENATE RESOLUTION NO. 1844

Offered by Senator Link and all Senators:
Mourns the death of Ella F. Hallas of Zion.

SENATE RESOLUTION NO. 1845

Offered by Senator Link and all Senators:
Mourns the death of Geraldine Kelly Keirnan of Waukegan.

SENATE RESOLUTION NO. 1846

Offered by Senator Link and all Senators:
Mourns the death of Fred Borron Lindsey.

SENATE RESOLUTION NO. 1847

Offered by Senator Link and all Senators:
Mourns the death of Joseph P. Mullen of Libertyville.

SENATE RESOLUTION NO. 1848

Offered by Senator Link and all Senators:
Mourns the death of Leo Presley, Sr.

SENATE RESOLUTION NO. 1849

Offered by Senator Holmes and all Senators:
Mourns the death of Ken M. Christy of Aurora.

SENATE RESOLUTION NO. 1850

Offered by Senator Haine and all Senators:
Mourns the death of James Edward “the Duke” Gorman II of Edwardsville.

SENATE RESOLUTION NO. 1851

Offered by Senator Haine and all Senators:
Mourns the death of Raymond C. Greenberg of Alton.

SENATE RESOLUTION NO. 1853

Offered by Senator Harmon and all Senators:
Mourns the death of Mariclare Barrett of Oak Park.

SENATE RESOLUTION NO. 1854

Offered by Senator Oberweis and all Senators:
Mourns the death of Michael Adamovich of Yorkville.

SENATE RESOLUTION NO. 1855

Offered by Senator Clayborne and all Senators:
Mourns the death of Shawnte Amiee “Tay” Jones.

SENATE RESOLUTION NO. 1856

Offered by Senator McGuire and all Senators:
Mourns the death of Bridget Drungil.

SENATE RESOLUTION NO. 1859

Offered by Senator Bennett and all Senators:
Mourns the death of Clifton G. Bergeron of Urbana.

SENATE RESOLUTION NO. 1860

Offered by Senator Anderson and all Senators:
Mourns the death of Richard Leo Boens of Coal Valley.

SENATE RESOLUTION NO. 1861

Offered by Senator Oberweis and all Senators:
Mourns the death of Robert E. “Bob” Brent of Aurora.

SENATE RESOLUTION NO. 1862

Offered by Senator Anderson and all Senators:
Mourns the death of Cyril John “C.J.” Lehnhardt of Coal Valley.

SENATE RESOLUTION NO. 1863

Offered by Senator Hunter and all Senators:
Mourns the death of Eddie D. Lee of Chicago.

SENATE RESOLUTION NO. 1864

Offered by Senator Hunter and all Senators:
Mourns the death of Teresa “TT” Hooker.

SENATE RESOLUTION NO. 1865

Offered by Senator Koehler and all Senators:
Mourns the death of Dale Edwin Burklund of Peoria Heights.

The Chair moved the adoption of the Resolutions Consent Calendar.
The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

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

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

HOUSE JOINT RESOLUTION NO. 151

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 12, 2016, the House of Representatives stands adjourned until Tuesday, May 17, 2016 at 12:00 o'clock noon or until the call of the Speaker; and the Senate stands adjourned until Tuesday, May 17, 2016, or until the call of the President.

[May 12, 2016]

Adopted by the House, May 11, 2016.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Lightford, the foregoing message reporting House Joint Resolution No. 151 was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 3:25 o'clock p.m., pursuant to **House Joint Resolution No. 151**, the Chair announced the Senate stand adjourned until Tuesday, May 17, 2016, at 12:00 o'clock noon.