



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-NINTH GENERAL ASSEMBLY**

**115TH LEGISLATIVE DAY**

**WEDNESDAY, MAY 18, 2016**

**12:22 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**115th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Committee Meeting Announcement(s).....	28
Deadline established.....	4
Introduction of Senate Bill No. 3429.....	5
Legislative Measure(s) Filed .....	4, 25, 26
Message from the House .....	7
Message from the President .....	4, 45, 46
Presentation of Senate Resolution No. 1882 .....	18
Presentation of Senate Resolutions No'd. 1877-1881.....	5
Presentation of Senate Resolutions No'd. 1883-1884.....	45
Report from Assignments Committee .....	26, 27
Report from Standing Committee(s) .....	5

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 0166	Recalled - Amendment(s) .....	18
SB 0166	Third Reading .....	20
SB 2191	Second Reading .....	35
SB 2431	Second Reading .....	35
SB 3011	Third Reading .....	28
SB 3112	Second Reading .....	35
SJR 0048	Adopted.....	20
SJR 0050	Adopted.....	21
HB 0119	Third Reading .....	21
HB 0335	Second Reading.....	8
HB 0538	Third Reading .....	22
HB 0740	Third Reading .....	22
HB 1052	Second Reading.....	8
HB 1056	Third Reading .....	23
HB 1191	Second Reading.....	8
HB 1437	Second Reading.....	17
HB 2262	Third Reading .....	23
HB 2569	Recalled – Amendment(s) .....	24
HB 2642	Recalled – Amendment(s).....	29
HB 3199	Third Reading .....	30
HB 3217	Third Reading .....	31
HB 3239	Third Reading .....	31
HB 3549	Second Reading.....	8
HB 3982	Recalled – Amendment(s).....	32
HB 4105	Third Reading .....	32
HB 4167	Second Reading.....	35
HB 4315	Second Reading.....	18
HB 4318	Third Reading .....	33
HB 4326	Posting Notice Waived.....	28
HB 4327	Third Reading .....	33
HB 4330	Third Reading .....	34
HB 4343	Third Reading .....	34
HB 4365	Second Reading.....	17
HB 4370	Second Reading.....	16
HB 4377	Second Reading.....	11
HB 4477	Second Reading.....	13
HB 4492	Second Reading.....	11

HB 4554	Second Reading.....	11
HB 4604	Second Reading.....	11
HB 4606	Second Reading.....	11
HB 4715	Second Reading.....	11
HB 4935	Second Reading.....	13
HB 4983	Second Reading.....	13
HB 4996	Second Reading.....	13
HB 5003	Second Reading.....	13
HB 5010	Second Reading.....	13
HB 5025	Second Reading.....	13
HB 5527	Second Reading.....	13
HB 5540	Second Reading.....	13
HB 5607	Second Reading.....	13
HB 5665	Second Reading.....	13
HB 5723	Second Reading.....	13
HB 5729	Second Reading - Amendment.....	17
HB 5736	Third Reading .....	29
HB 5785	Second Reading.....	14
HB 5788	Second Reading.....	14
HB 5948	Second Reading.....	14
HB 5958	Second Reading.....	14
HB 6074	Second Reading.....	14
HB 6083	Second Reading.....	14
HB 6136	Second Reading.....	15
HB 6333	Second Reading - Amendment.....	15

The Senate met pursuant to adjournment.  
Senator James F. Clayborne, Belleville, Illinois, presiding.  
Prayer by Elder Michael Young, Main Street Church of the Living God, Decatur, Illinois.  
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, May 17, 2016, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

**LEGISLATIVE MEASURES FILED**

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

Floor Amendment No. 1 to Senate Bill 469

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

Committee Amendment No. 1 to House Bill 6167

Committee Amendment No. 2 to House Bill 6167

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 4603

Floor Amendment No. 1 to House Bill 4683

Floor Amendment No. 1 to House Bill 5930

Floor Amendment No. 2 to House Bill 6213

**MESSAGE FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

May 18, 2016

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the committee and 3<sup>rd</sup> reading deadlines to May 27<sup>th</sup>, 2016, for Senate Bill 3112.

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

cc: Senate Republican Leader Christine Radogno

[May 18, 2016]

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 1877**

Offered by Senator Syverson and all Senators:  
Mourns the death of Daniel J. "Dan" Arnold.

**SENATE RESOLUTION NO. 1878**

Offered by Senator M. Murphy and all Senators:  
Mourns the death of Michael Schroeder of Arlington Heights.

**SENATE RESOLUTION NO. 1879**

Offered by Senator Syverson and all Senators:  
Mourns the death of John H. Mooncotch.

**SENATE RESOLUTION NO. 1880**

Offered by Senator Anderson and all Senators:  
Mourns the death of Robert L. Bowman of Rock Island.

**SENATE RESOLUTION NO. 1881**

Offered by Senator Harmon and all Senators:  
Mourns the death of Kenneth K. Harris.

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

**INTRODUCTION OF BILL**

**SENATE BILL NO. 3429.** 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.

**REPORTS FROM STANDING COMMITTEES**

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

Senate Amendment No. 1 to House Bill 5720  
Senate Amendment No. 1 to House Bill 6333

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

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

Senate Amendment No. 2 to House Bill 4576

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

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

Senate Amendment No. 2 to House Bill 5729

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

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bill No. 3112**, 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 Raoul, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 166  
Senate Amendment No. 1 to Senate Bill 553

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

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 6303**, 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 Raoul, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to House Bill 3898  
Senate Amendment No. 1 to House Bill 3982  
Senate Amendment No. 1 to House Bill 4648

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bill No. 2431**, 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 Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bill No. 2191**, 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 Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bill No. 6200**, reported the same back with the recommendation that the bill do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bill No. 3363**, 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 Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 5 to House Bill 2569  
Senate Amendment No. 2 to House Bill 5781  
Senate Amendment No. 1 to House Bill 5910

[May 18, 2016]

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

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 1380 and 5104**, reported the same back with the recommendation that the bills do pass.

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

### 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. 141

WHEREAS, Since prehistoric times, Illinois waterways have been home to four species of gar that swam alongside dinosaurs, mastodons, and pioneers; and

WHEREAS, Alligator gar reaching more than six feet in length and 300 pounds in weight once patrolled Illinois waterways; and

WHEREAS, For a century, gar have been misnamed as nuisances, threats to sportfish, "trash fish", or worse; and

WHEREAS, The largest of these species, the alligator gar, was once extirpated from our State, but has been reintroduced on a limited basis through the hard work, expertise, and commitment of our Department of Natural Resources; and

WHEREAS, Our great institutions of higher education, consisting of the University of Illinois Champaign-Urbana and Springfield campuses, Western Illinois University, and Eastern Illinois University, are engaged in research showing the intrinsic value of gar species to Illinois waterways, sport fisheries, and recreational opportunities; and

WHEREAS, Anglers, whether they use hook-and-line or bows and arrows to pursue their quarry, are discovering the thrill of gar fishing; and

WHEREAS, Food lovers across the State are beginning to discover the culinary delight that is the flesh of gar; and

WHEREAS, The increasing popularity of gar presents new opportunities for gar management to ensure the long-term viability of the fishery; and

WHEREAS, Fully grown alligator gar is our only native species capable of eating adult Asian carp; and

WHEREAS, Many Illinoisans and tourists look forward to the day when giant alligator gar will again swim our waterways, presenting a unique trophy fishing opportunity; and

WHEREAS, Gar have for too long been falsely accused of hurting game species, when studies clearly show healthy gar populations lead to healthier game species populations; and

WHEREAS, The Illinois Department of Natural Resources has taken a two-year hiatus from their efforts to restore the alligator gar population; 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

[May 18, 2016]

Illinois Department of Natural Resources to develop protections as needed for all Illinois native gar species to ensure the long term viability of the shortnose gar (*Lepisosteus platostomus*), the longnose gar (*Lepisosteus osseus*), the spotted gar (*Lepisosteus oculatus*), and the alligator gar (*Atractosteus spatula*), with particular protections developed for alligator gar; and be it further

RESOLVED, That we urge the Illinois Department of Natural Resources to apply these protections as needed and include site specific size and creel limits based on the size of the reproductively mature gar to protect brood stock from premature harvest; and be it further

RESOLVED, That we urge the Illinois Department of Natural Resources to work with partners to identify ways to expand and expedite the reintroduction of alligator gar to waterways to expedite the creation of a sustainable and regulated trophy fishing resource in the State; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois Department of Natural Resources.

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. 141 was referred to the Committee on Assignments.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Link, **House Bill No. 335** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1052** was taken up, read by title a second time and ordered to a third reading.

On motion of Bertino-Tarrant, **House Bill No. 1191** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Morrison, **House Bill No. 3549** having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 3549**

AMENDMENT NO. 1. Amend House Bill 3549 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:  
(215 ILCS 5/1) (from Ch. 73, par. 613)  
Sec. 1. Short title. This Act shall be known and ~~and~~ may be cited as the Illinois Insurance Code.  
(Source: P.A. 96-328, eff. 8-11-09.)".

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

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

#### **AMENDMENT NO. 3 TO HOUSE BILL 3549**

AMENDMENT NO. 3. Amend House Bill 3549, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:  
(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)  
Sec. 5-3. Insurance Code provisions.

[May 18, 2016]



(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 136, 137, 139, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 355.2, 355.3, 355b, 356g.5-1, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.18, 356z.19, 356z.21, 356z.22, 364, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health

Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

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

(Source: P.A. 97-282, eff. 8-9-11; 97-343, eff. 1-1-12; 97-437, eff. 8-18-11; 97-486, eff. 1-1-12; 97-592, eff. 1-1-12; 97-805, eff. 1-1-13; 97-813, eff. 7-13-12; 98-189, eff. 1-1-14; 98-1091, eff. 1-1-15.)

Section 10. The Managed Care Reform and Patient Rights Act is amended by changing Section 45.1 as follows:

(215 ILCS 134/45.1)

Sec. 45.1. Medical exceptions procedures required.

(a) ~~Notwithstanding any other provision of law, on or after the effective date of this amendatory Act of the 99th General Assembly, every insurer licensed in this State to sell a policy of group or individual accident and health insurance or a health benefits plan shall~~ Every health carrier that offers a qualified health plan, as defined in the federal Patient Protection and Affordable Care Act of 2010 (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under those Acts (collectively, "the Federal Act"), directly to consumers in this State shall establish and maintain a medical exceptions process that allows covered persons or their authorized representatives to request any clinically appropriate prescription drug when (1) the drug is not covered based on the health benefit plan's formulary; (2) the health benefit plan is discontinuing coverage of the drug on the plan's formulary for reasons other than safety or other than because the prescription drug has been withdrawn from the market by the drug's manufacturer; (3) the prescription drug alternatives required to be used in accordance with a step therapy requirement (A) has been ineffective in the treatment of the enrollee's disease or medical condition or, based on both sound clinical evidence and medical and scientific evidence, the known relevant physical or mental characteristics of the enrollee, and the known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effectiveness or patient compliance or (B) has caused or, based on sound medical evidence, is likely to cause an adverse reaction or harm to the enrollee; or (4) the number of doses available under a dose restriction for the prescription drug (A) has been ineffective in the treatment of the enrollee's disease or medical condition or (B) based on both sound clinical evidence and medical and scientific evidence, the known relevant physical and mental characteristics of the enrollee, and known characteristics of the drug regimen, is likely to be ineffective or adversely affect the drug's effective or patient compliance.

(b) The health carrier's established medical exceptions procedures must require, at a minimum, the following:

(1) Any request for approval of coverage made verbally or in writing (regardless of whether made using a paper or electronic form or some other writing) at any time shall be reviewed by appropriate health care professionals.

(2) The health carrier must, within 72 hours after receipt of a request made under subsection (a) of this Section, either approve or deny the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(3) In the case of an expedited coverage determination, the health carrier must either approve or deny the request within 24 hours after receipt of the request. In the case of a denial, the health carrier shall provide the covered person or the covered person's authorized representative and the covered person's prescribing provider with the reason for the denial, an alternative covered medication, if applicable, and information regarding the procedure for submitting an appeal to the denial.

(c) A step therapy requirement exception request shall be approved if:

(1) the required prescription drug is contraindicated;

(2) the patient has tried the required prescription drug while under the patient's current or previous health insurance or health benefit plan and the prescribing provider submits evidence of failure or intolerance; or

(3) the patient is stable on a prescription drug selected by his or her health care provider for the medical condition under consideration while on a current or previous health insurance or health benefit plan.

(d) Upon the granting of an exception request, the insurer, health plan, utilization review organization, or other entity shall authorize the coverage for the drug prescribed by the enrollee's treating health care provider, to the extent the prescribed drug is a covered drug under the policy or contract up to the quantity covered.

(e) Any approval of a medical exception request made pursuant to this Section shall be honored for 12 months following the date of the approval or until renewal of the plan.

(f) (e) Notwithstanding any other provision of this Section, nothing in this Section shall be interpreted or implemented in a manner not consistent with the federal Patient Protection and Affordable Care Act of 2010 (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments thereto, or regulations or guidance issued under those Acts Federal Act.

(g) Nothing in this Section shall require or authorize the State agency responsible for the administration of the medical assistance program established under the Illinois Public Aid Code to approve, supply, or cover prescription drugs pursuant to the procedure established in this Section.

(Source: P.A. 98-1035, eff. 8-25-14.)

Section 99. Effective date. This Act takes effect January 1, 2018."

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

On motion of Senator Link, **House Bill No. 4377** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4377**

AMENDMENT NO. 1. Amend House Bill 4377 on page 1 by replacing lines 16 through 18 with the following:

"(b) Any sale of a used motor vehicle as described in subsection (a) of this Section may".

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

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

On motion of Senator Link, **House Bill No. 4554** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 4604** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 4606** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 4715** having been printed, was taken up and read by title a second time.

[May 18, 2016]

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

**AMENDMENT NO. 1 TO HOUSE BILL 4715**

AMENDMENT NO. 1. Amend House Bill 4715 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 11 and by adding Section 11.6 as follows:

(5 ILCS 140/11) (from Ch. 116, par. 211)

Sec. 11. (a) Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.

(b) Where the denial is from a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act. Any public body that asserts that a record is exempt from disclosure has the burden of proving that it is exempt by clear and convincing evidence.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record prevails in a proceeding under this Section, the court shall award such person reasonable ~~attorney's attorneys'~~ fees and costs. In determining what amount of attorney's fees is reasonable, the court shall consider the degree to which the relief obtained relates to the relief sought. The changes contained in this subsection apply to an action filed on or after January 1, 2010 (the effective date of Public Act 96-542) ~~this amendatory Act of the 96th General Assembly.~~

(j) If the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. In assessing the civil penalty, the court shall consider in aggravation or mitigation the budget of the public body and whether the public body has previously been assessed penalties for violations of this Act. If the public body fails to comply with the court's order after 30 days and the court's order is not on appeal or stayed, the court may impose an additional penalty of up to \$1,000 for each day the violation continues. The changes contained in this subsection that are made by Public Act 96-542 apply to an action filed on or after January 1, 2010 (the effective date of Public Act 96-542) ~~this amendatory Act of the 96th General Assembly.~~

(k) The changes to this Section made by this amendatory Act of the 99th General Assembly apply to actions filed on or after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 96-542, eff. 1-1-10; 97-813, eff. 7-13-12; revised 10-14-15.)

(5 ILCS 140/11.6 new)

[May 18, 2016]

Sec. 11.6. Noncompliance with binding opinion.

(a) The requester may file an action under Section 11 and it shall be presumed that the public body willfully and intentionally failed to comply with this Act for purposes of subsection (j) of Section 11 if:

(1) the Public Access Counselor issues a binding opinion pursuant to Section 9.5;

(2) the public body does not file for administrative review of the binding opinion within 30 days after issuance of the opinion; and

(3) the public body does not comply with the binding opinion within 30 days after issuance of the opinion.

(b) This Section applies to binding opinions of the Public Access Counselor requested or issued on or after the effective date of this amendatory Act of the 99th General Assembly."

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

On motion of Senator Radogno, **House Bill No. 4935** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 4477** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 4983** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 4996** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5003** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Cullerton, **House Bill No. 5010** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 5010**

AMENDMENT NO. 1. Amend House Bill 5010 as follows:

on page 1, line 18, by replacing "determined" with "diagnosed".

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

On motion of Senator Lightford, **House Bill No. 5025** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5540** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5607** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 5665** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harris, **House Bill No. 5723** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 5785** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 5788** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5948** was taken up, read by title a second time. Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5958** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 6074** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 6083** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 6083**

AMENDMENT NO. 1. Amend House Bill 6083 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as Molly's Law.

Section 5. The Wrongful Death Act is amended by changing Section 2 as follows:  
(740 ILCS 180/2) (from Ch. 70, par. 2)

Sec. 2. (a) Every such action shall be brought by and in the names of the personal representatives of such deceased person, and, except as otherwise hereinafter provided, the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next of kin of such deceased person. In every such action the jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death, including damages for grief, sorrow, and mental suffering, to the surviving spouse and next of kin of such deceased person.

(b) The amount recovered in any such action shall be distributed by the court in which the cause is heard or, in the case of an agreed settlement, by the circuit court, to each of the surviving spouse and next of kin of such deceased person in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentages of dependency of all such persons upon the deceased person.

(c) Where the deceased person left no surviving spouse or next of kin entitled to recovery, the damages shall, subject to the following limitations inure, to the exclusive benefit of the following persons, or any one or more of them:

(1) (a) to the person or persons furnishing hospitalization or hospital services in connection with the last illness or injury of the deceased person, not exceeding \$450;

(2) (b) to the person or persons furnishing medical or surgical services in connection with such last illness or injury, not exceeding \$450;

(3) (c) to the personal representatives, as such, for the costs and expenses of administering the estate and prosecuting or compromising the action, including a reasonable attorney's fee. In any such case the measure of damages to be recovered shall be the total of the reasonable value of such hospitalization or hospital service, medical and surgical services, funeral expenses, and such costs and expenses of administration, including attorney fees, not exceeding the foregoing limitations for each class of such expenses and not exceeding \$900 plus a reasonable attorney's fee.

(d) Except as otherwise provided in subsection (c) of this Section, every Every such action shall be commenced within 2 years after the death of such person but an action against a defendant arising from a crime committed by the defendant in whose name an escrow account was established under the "Criminal Victims' Escrow Account Act" shall be commenced within 2 years after the establishment of such account.

(e) An action may be brought within 5 years after the date of the death if the death is the result of violent intentional conduct or within one year after the final disposition of the criminal case if the defendant is charged with:

[May 18, 2016]

- (1) first degree murder under Section 9-1 of the Criminal Code of 2012;  
 (2) intentional homicide of an unborn child under Section 9-1.2 of the Criminal Code of 2012;  
 (3) second degree murder under Section 9-2 of the Criminal Code of 2012;  
 (4) voluntary manslaughter of an unborn child under Section 9-2.1 of the Criminal Code of 2012;  
 (5) involuntary manslaughter or reckless homicide under Section 9-3 of the Criminal Code of 2012;  
 (6) involuntary manslaughter or reckless homicide of an unborn child under Section 9-3.2 of the Criminal Code of 2012; or  
 (7) drug-induced homicide under Section 9-3.3 of the Criminal Code of 2012.

This subsection extends the statute of limitations only against the individual who allegedly committed a violent intentional act or was the defendant charged with a crime listed in this subsection. It does not extend the statute of limitations against any other person or entity. The changes to this Section made by this amendatory Act of the 99th General Assembly apply to causes of action arising on or after the effective date of this amendatory Act of the 99th General Assembly.

(f) For the purposes of this Section 2, next of kin includes an adopting parent and an adopted child, and they shall be treated as a natural parent and a natural child, respectively. However, if a person entitled to recover benefits under this Act, is, at the time the cause of action accrued, within the age of 18 years, he or she may cause such action to be brought within 2 years after attainment of the age of 18.

(g) In any such action to recover damages, it shall not be a defense that the death was caused in whole or in part by the contributory negligence of one or more of the beneficiaries on behalf of whom the action is brought, but the amount of damages given shall be reduced in the following manner.

(h) The trier of fact shall first determine the decedent's contributory fault in accordance with Sections 2-1116 and 2-1107.1 of the Code of Civil Procedure. Recovery of damages shall be barred or diminished accordingly. The trier of fact shall then determine the contributory fault, if any, of each beneficiary on behalf of whom the action was brought:

(1) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is not more than 50% of the proximate cause of the wrongful death of the decedent, then the damages allowed to that beneficiary shall be diminished in proportion to the contributory fault attributed to that beneficiary. The amount of the reduction shall not be payable by any defendant.

(2) Where the trier of fact finds that the contributory fault of a beneficiary on whose behalf the action is brought is more than 50% of the proximate cause of the wrongful death of the decedent, then the beneficiary shall be barred from recovering damages and the amount of damages which would have been payable to that beneficiary, but for the beneficiary's contributory fault, shall not inure to the benefit of the remaining beneficiaries and shall not be payable by any defendant.

(i) The trial judge shall conduct a hearing to determine the degree of dependency of each beneficiary upon the decedent. The trial judge shall calculate the amount of damages to be awarded each beneficiary, taking into account any reduction arising from either the decedent's or the beneficiary's contributory fault.

(j) This amendatory Act of the 91st General Assembly applies to all actions pending on or filed after the effective date of this amendatory Act.

(k) This amendatory Act of the 95th General Assembly applies to causes of actions accruing on or after its effective date.

(Source: P.A. 95-3, eff. 5-31-07.)".

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

On motion of Senator Lightford, **House Bill No. 6136** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 6333** having been printed, was taken up and read by title a second time.

Senator Koehler offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 6333**

AMENDMENT NO. 1. Amend House Bill 6333 on page 15, line 1, by replacing "must" with "may".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **House Bill No. 4370** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 4370**

AMENDMENT NO. 1. Amend House Bill 4370 by replacing everything after the enacting clause with the following:

"(20 ILCS 2310/2310-685 rep.)

Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by repealing Section 2310-685 (as added by Public Act 99-315).

Section 10. The Illinois Health Facilities Planning Act is amended by changing Section 5.3 as follows: (20 ILCS 3960/5.3)

(Section scheduled to be repealed on December 31, 2019)

Sec. 5.3. Annual report of capital expenditures.

(a) In addition to the State Board's authority to require reports, the State Board shall require each health care facility to submit an annual report of all capital expenditures in excess of \$200,000 (which shall be annually adjusted to reflect the increase in construction costs due to inflation) made by the health care facility during the most recent year. This annual report shall consist of a brief description of the capital expenditure, the amount and method of financing the capital expenditure, the certificate of need project number if the project was reviewed, and the total amount of capital expenditures obligated for the year. Data collected from health care facilities pursuant to this Section shall not duplicate or overlap other data collected by the Department and must be collected as part of the State Board's Annual Questionnaires or supplements for health care facilities that report these data.

(b)(1) For the purposes of this subsection (b), "capital expenditures" means only expenditures required under subsection (a) for the erection, building, alteration, reconstruction, modernization, improvement, extension, or demolition of or by a hospital.

(2) If a hospital under the University of Illinois Hospital Act or Hospital Licensing Act that has more than 100 beds reports capital expenditures at or above the amount required under subsection (a), then the hospital shall also meet the reporting requirements under this subsection (b) for female-owned, minority-owned, veteran-owned, and small business enterprises with respect to those reported capital expenditures.

(3) Each hospital shall include the following information in its annual report:

(A) The hospital's capital expenditure spending goals for female-owned, minority-owned, veteran-owned, and small business enterprises. These goals shall be expressed as a percentage of total capital expenditures reported by the hospital submitting the report.

(B) The hospital's actual capital expenditure spending for female-owned, minority-owned, veteran-owned, and small business enterprises. These actual expenditures shall be expressed as a percentage of total capital expenditures reported by the hospital submitting the report. The report may include actual spending on female-owned, minority-owned, veteran-owned, and small business enterprises that is less than the capital expenditure threshold required to be reported under subsection (a) of this Section.

(C) The type or types of capital expenditure for which the hospital shall be actively seeking supplier diversity in the next year.

(D) An outline of the plan developed to alert and encourage female-owned, minority-owned, veteran-owned, and small business enterprises providing the type or types of services identified in subparagraph (C) to seek business from the hospital.

(E) An explanation of the challenges faced in finding quality vendors and any suggestions for what the Health Facilities and Services Review Board could do to be helpful to identify those vendors.

(F) A list of the certifications the hospital recognizes.

(G) The point of contact for any potential vendor who wishes to do business with the hospital and an explanation of the process for a vendor to enroll with the hospital as a female-owned, minority-owned, veteran-owned, or small business enterprise.

(H) Any particular success stories to encourage other hospitals to emulate best practices.

(4) A health care system may develop a system-wide annual report that includes all hospitals in order to comply with the requirements of this subsection (b). Each annual report shall include as much State-specific data as possible. If the submitting entity does not submit State-specific data, then the hospital shall include any national data it does have and explain why it could not submit State-specific data and how it intends to do so in future reports, if possible.



(5) Subject to appropriation, the Department of Central Management Services shall hold an annual workshop open to the public in 2017 and every year thereafter on the state of supplier diversity to collaboratively seek solutions to structural impediments to achieving stated goals, including testimony from subject matter experts.

(6) The Health Facilities and Services Review Board shall publish a database on its website of the point of contact for each hospital for supplier diversity, along with a list of certifications each hospital recognizes from the information submitted in each annual report. The Health Facilities and Services Review Board shall publish each annual report on its website and shall maintain each annual report for at least 5 years.

(7) Notwithstanding any other provision of law, the Health Facilities and Services Review Board shall not inquire about, review, obtain, or in any other way consider the information provided in this Section when reviewing an application for a permit or exemption or in taking any other action under this Act.

(8) The annual report required under this subsection (b) shall be submitted by each hospital for its fiscal years that begin at least 6 months after the effective date of this amendatory Act of the 99th General Assembly.

(Source: P.A. 98-1086, eff. 8-26-14.)

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

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

On motion of Senator Biss, **House Bill No. 5729** having been printed, was taken up and read by title a second time.

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

Senator Biss offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO HOUSE BILL 5729**

AMENDMENT NO. 2. Amend House Bill 5729 as follows:

on page 12, line 26, by replacing "The" with "Subject to subsection (g) of this Section, the"; and

on page 15, line 8, after "requirements,", by inserting "teacher tenure or seniority, teacher or principal evaluations,"; and

on page 15, line 11, after "learners.", by inserting "Any waiver or modification of teacher educator licensure requirements to permit instruction by non-educators or educators without an appropriate license must ensure that an appropriately licensed teacher and the provider of instruction partner in order to verify the method for assessing competency of mastery and verify whether a student has demonstrated mastery."; and

on page 16, immediately below line 18, by inserting the following:

"(g) For purposes of this subsection (g), "annual cohort" means the group of school districts selected by the State Superintendent of Education to participate in the pilot program during an annual application and selection process. The State Superintendent of Education shall limit each annual cohort of the pilot program as follows: the first 2 annual cohorts shall be limited to no more than 12 school districts, and any subsequent annual cohort shall be limited to no more than 15 school districts. A school district may submit only one application for each annual cohort of the pilot program. The application of a school district having a population exceeding 500,000 inhabitants may not include more than 6 schools. The expansion of a school district's competency-based learning system to a new school or new subject area identified in Section 27-22 of the School Code shall require a new application by the school district."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator E. Jones III, **House Bill No. 1437** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4365** was taken up, read by title a second time and ordered to a third reading.

[May 18, 2016]

On motion of Senator Manar, **House Bill No. 4315** was taken up, read by title a second time and ordered to a third reading.

### PRESENTATION OF RESOLUTION

#### SENATE RESOLUTION NO. 1882

Offered by Senators J. Cullerton – Stadelman and all Senators:  
Mourns the death of Vivian Veach Hickey.

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

### SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 166** 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 J. Cullerton offered the following amendment and Senator Raoul moved its adoption:

#### AMENDMENT NO. 2 TO SENATE BILL 166

AMENDMENT NO. 2. Amend Senate Bill 166 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 209 as follows:

(750 ILCS 5/209) (from Ch. 40, par. 209)

Sec. 209. Solemnization and Registration.

(a) A marriage may be solemnized by a judge of a court of record, by a retired judge of a court of record, unless the retired judge was removed from office by the Judicial Inquiry Board, except that a retired judge shall not receive any compensation from the State, a county or any unit of local government in return for the solemnization of a marriage and there shall be no effect upon any pension benefits conferred by the Judges Retirement System of Illinois, by a judge of the Court of Claims, by a county clerk in counties having 2,000,000 or more inhabitants, by a public official whose powers include solemnization of marriages, by a certified marriage celebrant, or in accordance with the prescriptions of any religious denomination, Indian Nation or Tribe or Native Group, provided that when such prescriptions require an officiant, the officiant be in good standing with his or her religious denomination, Indian Nation or Tribe or Native Group. Either the person solemnizing the marriage, or, if no individual acting alone solemnized the marriage, both parties to the marriage, shall complete the marriage certificate form and forward it to the county clerk within 10 days after such marriage is solemnized.

As used in this subsection (a):

"Certified marriage celebrant" means a celebrant or officiant of any life stance organization who is authorized by the organization to solemnize marriages.

"Life stance organization" means a group: that is recognized as a nonprofit organization by the Internal Revenue Service; whose members are committed to the promotion of a life stance based upon comprehensive values, beliefs, and practices; and that is not affiliated with or controlled by any religious institution or religious authority.

(a-5) Nothing in this Act shall be construed to require any religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group, to solemnize any marriage. Instead, any religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group is free to choose which marriages it will solemnize. Notwithstanding any other law to the contrary, a refusal by a religious denomination or Indian Nation or Tribe or Native Group, or any minister, clergy, or officiant acting as a representative of a religious denomination or Indian Nation or Tribe or Native Group to solemnize any marriage under this Act shall not create or be the basis for any civil, administrative, or criminal penalty, claim, or cause of action.

[May 18, 2016]

(a-10) No church, mosque, synagogue, temple, nondenominational ministry, interdenominational or ecumenical organization, mission organization, or other organization whose principal purpose is the study, practice, or advancement of religion is required to provide religious facilities for the solemnization ceremony or celebration associated with the solemnization ceremony of a marriage if the solemnization ceremony or celebration associated with the solemnization ceremony is in violation of its religious beliefs. An entity identified in this subsection (a-10) shall be immune from any civil, administrative, criminal penalty, claim, or cause of action based on its refusal to provide religious facilities for the solemnization ceremony or celebration associated with the solemnization ceremony of a marriage if the solemnization ceremony or celebration associated with the solemnization ceremony is in violation of its religious beliefs. As used in this subsection (a-10), "religious facilities" means sanctuaries, parish halls, fellowship halls, and similar facilities. "Religious facilities" does not include facilities such as businesses, health care facilities, educational facilities, or social service agencies.

(a-15) Nothing in this Act shall be construed to require a certified marriage celebrant to solemnize any marriage. Instead, any life stance organization or certified marriage celebrant is free to choose which marriages the life stance organization or certified marriage celebrant will solemnize. Notwithstanding any other law to the contrary, a refusal by a life stance organization or certified marriage celebrant to solemnize any marriage under this Act shall not create or be the basis for any civil, administrative, or criminal penalty, claim, or cause of action. No life stance organization is required to provide facilities for the solemnization ceremony or celebration associated with the solemnization ceremony of a marriage if the solemnization ceremony or celebration associated with the solemnization ceremony is in violation of the life stance organization's beliefs. An entity identified in this subsection (a-15) shall be immune from any civil, administrative, criminal penalty, claim, or cause of action based on its refusal to provide facilities for the solemnization ceremony or celebration associated with the solemnization ceremony of a marriage if the solemnization ceremony or celebration associated with the solemnization ceremony is in violation of its beliefs. As used in this subsection (a-15), "facilities" means facilities designed and used for gatherings of members of the life stance organization. "Facilities" does not include facilities such as businesses, health care facilities, educational facilities, or social service agencies.

(b) The solemnization of the marriage is not invalidated: (1) by the fact that the person solemnizing the marriage was not legally qualified to solemnize it, if a reasonable person would believe the person solemnizing the marriage to be so qualified; or (2) by the fact that the marriage was inadvertently solemnized in a county in Illinois other than the county where the license was issued and filed.

(c) Any marriage that meets the requirements of this Section shall be presumed valid.

(Source: P.A. 98-597, eff. 6-1-14; 99-90, eff. 1-1-16.)

Section 10. The Illinois Religious Freedom Protection and Civil Union Act is amended by changing Sections 15 and 40 as follows:

(750 ILCS 75/15)

Sec. 15. Religious freedom. Nothing in this Act shall interfere with or regulate the religious practice of any religious body or life stance organization. Any religious body, Indian Nation or Tribe or Native Group, or life stance organization is free to choose whether or not to solemnize or officiate a civil union.

As used in this Section, "life stance organization" has the meaning provided in Section 209 of the Illinois Marriage and Dissolution of Marriage Act.

(Source: P.A. 96-1513, eff. 6-1-11.)

(750 ILCS 75/40)

Sec. 40. Certification. A civil union may be certified: by a judge of a court of record; by a retired judge of a court of record, unless the retired judge was removed from office by the Judicial Inquiry Board, except that a retired judge shall not receive any compensation from the State, a county, or any unit of local government in return for the solemnization of a civil union and there shall be no effect upon any pension benefits conferred by the Judges Retirement System of Illinois; by a judge of the Court of Claims; by a county clerk in counties having 2,000,000 or more inhabitants; by a public official whose powers include solemnization of marriages; ~~or~~ in accordance with the prescriptions of any religious denomination, Indian Nation or Tribe or Native Group, provided that when such prescriptions require an officiant, the officiant be in good standing with his or her religious denomination, Indian Nation or Tribe or Native Group ; or by a certified marriage celebrant, as that term is defined in Section 209 of the Illinois Marriage and Dissolution of Marriage Act. The person performing a civil union shall complete the certificate and forward it to the county clerk within 10 days after a civil union.

(Source: P.A. 96-1513, eff. 6-1-11.)".

The motion prevailed.

[May 18, 2016]

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 Raoul, **Senate Bill No. 166** 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 51; NAYS None.

The following voted in the affirmative:

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

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

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

### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Rezin moved that **Senate Joint Resolution No. 48**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Rezin moved that Senate Joint Resolution No. 48 be adopted.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Rose
Bennett	Harris	McConchie	Sandoval
Bertino-Tarrant	Hastings	McConnaughay	Stadelman
Biss	Holmes	McGuire	Steans
Bivins	Hunter	Morrison	Sullivan
Brady	Hutchinson	Mulroe	Syverson
Bush	Jones, E.	Muñoz	Trotter
Clayborne	Koehler	Murphy, L.	Van Pelt
Collins	Landek	Murphy, M.	Weaver

[May 18, 2016]

Connelly	Lightford	Noland	Mr. President
Cullerton, T.	Link	Nybo	
Cunningham	Luechtefeld	Oberweis	
Delgado	Manar	Radogno	

The motion prevailed.

And the resolution was adopted.

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

Senator Raoul moved that **Senate Joint Resolution No. 50**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Raoul moved that Senate Joint Resolution No. 50 be adopted.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	McCann	Rezin
Anderson	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
Biss	Holmes	McGuire	Stadelman
Bivins	Hunter	Morrison	Stears
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	Radogno	
Forby	Martinez	Raoul	

The motion prevailed.

And the resolution was adopted.

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

At the hour of 1:32 o'clock p.m., Senator Lightford, presiding.

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Collins, **House Bill No. 119** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Manar	Raoul
Anderson	Haine	Martinez	Rezin

[May 18, 2016]

Bennett	Harmon	McCann	Righter
Bertino-Tarrant	Harris	McConchie	Rose
Biss	Hastings	McConnaughay	Sandoval
Bivins	Holmes	McGuire	Stadelman
Brady	Hunter	Morrison	Steans
Bush	Hutchinson	Mulroe	Sullivan
Clayborne	Jones, E.	Muñoz	Syverson
Collins	Koehler	Murphy, L.	Trotter
Connelly	Landek	Murphy, M.	Van Pelt
Cullerton, T.	Lightford	Noland	Weaver
Cunningham	Link	Oberweis	Mr. President
Delgado	Luechtefeld	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Biss, **House Bill No. 538** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

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.

On motion of Senator Clayborne, **House Bill No. 740** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 45; NAYS 9.

The following voted in the affirmative:

[May 18, 2016]

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

The following voted in the negative:

Barickman	McCarter	Nybo
Bivins	McConchie	Oberweis
Connelly	McConnaughay	Rose

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **House Bill No. 1056** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rose, **House Bill No. 2262** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 18, 2016]

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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	Radogno	

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

Ordered that the Secretary inform the House of Representatives thereof.

#### HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 2569** was recalled from the order of third reading to the order of second reading.

Floor Amendment Nos. 1, 2 and 3 were held in the Committee on Assignments.

Senator Link offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4 TO HOUSE BILL 2569

AMENDMENT NO. 4. Amend House Bill 2569 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 113-4 as follows: (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

Sec. 113-4. Plea. (a) When called upon to plead at arraignment the defendant shall be furnished with a copy of the charge and shall plead guilty, guilty but mentally ill, or not guilty.

(b) If the defendant stands mute a plea of not guilty shall be entered for him and the trial shall proceed on such plea.

(c) If the defendant pleads guilty such plea shall not be accepted until the court shall have fully explained to the defendant the following:

(1) consequences of such plea and the maximum and minimum penalty provided by law for the offense which may be imposed by the court;

(2) any possible increased sentence by reason of the fact of a prior conviction or future conviction and any possibility of the imposition of consecutive sentences;

(3) any registration requirement that accompanies the plea and the restrictions associated with the registration; and

(4) the consequences of the plea on the defendant's ability to:

(A) retain or obtain housing in the public or private market;

(B) retain or obtain employment; and

(C) retain or obtain a firearm, an occupational license, or a driver's license.

After such explanation if the defendant understandingly persists in his plea it shall be accepted by the court and recorded.

(d) If the defendant pleads guilty but mentally ill, the court shall not accept such a plea until the defendant has undergone examination by a clinical psychologist or psychiatrist and the judge has examined

[May 18, 2016]



the psychiatric or psychological report or reports, held a hearing on the issue of the defendant's mental condition and is satisfied that there is a factual basis that the defendant was mentally ill at the time of the offense to which the plea is entered.

(e) If a defendant pleads not guilty, the court shall advise him at that time or at any later court date on which he is present that if he escapes from custody or is released on bond and fails to appear in court when required by the court that his failure to appear would constitute a waiver of his right to confront the witnesses against him and trial could proceed in his absence.  
(Source: P.A. 82-553.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Link offered the following amendment and moved its adoption:

**AMENDMENT NO. 5 TO HOUSE BILL 2569**

AMENDMENT NO. 5. Amend House Bill 2569 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 113-4 as follows: (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

Sec. 113-4. Plea. (a) When called upon to plead at arraignment the defendant shall be furnished with a copy of the charge and shall plead guilty, guilty but mentally ill, or not guilty.

(b) If the defendant stands mute a plea of not guilty shall be entered for him and the trial shall proceed on such plea.

(c) If the defendant pleads guilty such plea shall not be accepted until the court shall have fully explained to the defendant the following:

~~(1) consequences of such plea and the maximum and minimum penalty provided by law for the offense which may be imposed by the court;~~

(2) as a consequence of a conviction or a plea of guilty, the sentence for any future conviction may be increased or there may be a higher possibility of the imposition of consecutive sentences;

(3) as a consequence of a conviction or a plea of guilty, there may be registration requirements that restrict where the defendant may work, live, or be present; and

(4) as a consequence of a conviction or a plea of guilty, there may be an impact upon the defendant's ability to, among others:

(A) retain or obtain housing in the public or private market;

(B) retain or obtain employment; and

(C) retain or obtain a firearm, an occupational license, or a driver's license.

After such explanation if the defendant understandingly persists in his plea it shall be accepted by the court and recorded.

(d) If the defendant pleads guilty but mentally ill, the court shall not accept such a plea until the defendant has undergone examination by a clinical psychologist or psychiatrist and the judge has examined the psychiatric or psychological report or reports, held a hearing on the issue of the defendant's mental condition and is satisfied that there is a factual basis that the defendant was mentally ill at the time of the offense to which the plea is entered.

(e) If a defendant pleads not guilty, the court shall advise him at that time or at any later court date on which he is present that if he escapes from custody or is released on bond and fails to appear in court when required by the court that his failure to appear would constitute a waiver of his right to confront the witnesses against him and trial could proceed in his absence.  
(Source: P.A. 82-553.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**LEGISLATIVE MEASURES FILED**

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

[May 18, 2016]

## Committee Amendment No. 1 to Senate Joint Resolution 53

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. 2 to Senate Bill 250  
 Floor Amendment No. 3 to Senate Bill 345  
 Floor Amendment No. 4 to Senate Bill 345  
 Floor Amendment No. 1 to Senate Bill 912  
 Floor Amendment No. 2 to Senate Bill 3025

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

Committee Amendment No. 3 to House Bill 6167

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. 3 to House Bill 229  
 Floor Amendment No. 4 to House Bill 940  
 Floor Amendment No. 1 to House Bill 4394  
 Floor Amendment No. 2 to House Bill 4715  
 Floor Amendment No. 2 to House Bill 5902  
 Floor Amendment No. 3 to House Bill 5948

At the hour of 1:51 o'clock p.m., the Chair announced that the Senate stand at ease.

**AT EASE**

At the hour of 2:00 o'clock p.m., the Senate resumed consideration of business.  
 Senator Sullivan, presiding.

At the hour of 2:02 o'clock p.m., Senator Lightford, presiding.

**REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture: **Floor Amendment No. 3 to House Bill 6084.**

Appropriations II: **HOUSE BILL 4167.**

Criminal Law: **HOUSE BILL 5472.**

Education: **HOUSE BILLS 397 and 810.**

Executive: **Floor Amendment No. 2 to Senate Bill 250; Floor Amendment No. 4 to House Bill 940; Floor Amendment No. 2 to House Bill 4715; Committee Amendment No. 3 to House Bill 6167.**

Insurance: **Floor Amendment No. 2 to House Bill 3211; HOUSE BILL 4633.**

Licensed Activities and Pensions: **Floor Amendment No. 3 to House Bill 5948.**

[May 18, 2016]

Transportation: **HOUSE BILL 3755.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, to which was referred **House Bill No. 229** on October 10, 2015, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 229** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, to which was referred **House Bill No. 3655** on January 17, 2016, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 3655** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, reported that the following Legislative Measure has been approved for consideration:

**Floor Amendment No. 1 to House Bill 4334**

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

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, to which was referred **House Bill No. 6298**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Pursuant to Senate Rule 3-8 (b-1), the following amendments will remain in the Committee on Assignments: **Floor Amendment No. 1 to Senate Bill 465; Floor Amendment No. 1 to Senate Bill 469; Committee Amendment No. 1 to House Bill 6167; Committee Amendment No. 2 to House Bill 6167**

**LEGISLATIVE MEASURES FILED**

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

Floor Amendment No. 2 to House Bill 3655

Floor Amendment No. 1 to House Bill 6298

**REPORTS FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Floor Amendment No. 2 to House Bill 3655.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, reported that the Committee recommends that **House Bill No. 4167** be re-referred from the Committee on Appropriations II to the Committee on Assignments.

[May 18, 2016]

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2016 meeting, to which was referred **House Bill No. 4167**, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

### COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 3:05 o'clock p.m.:

State Government and Veterans Affairs in Room 409

### COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 19, 2016

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

Agriculture in Room 409

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

Environment and Conservation in Room 400

### POSTING NOTICE WAIVED

Senator Forby moved to waive the six-day posting requirement on **House Bill No. 4326** so that the measure may be heard in the Committee on State Government and Veterans Affairs that is scheduled to meet this afternoon.

The motion prevailed.

### CONSIDERATION OF SENATE BILL ON CONSIDERATION POSTPONED

On motion of Senator Mulroe, **Senate Bill No. 3011**, having been read by title a third time on May 12, 2016, and pending roll call further consideration postponed, was taken up again on third reading.

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

YEAS 32; NAYS 22; Present 2.

The following voted in the affirmative:

Bertino-Tarrant	Hunter	McGuire	Stadelman
Biss	Hutchinson	Morrison	Steans
Bush	Jones, E.	Mulroe	Trotter
Collins	Koehler	Muñoz	Van Pelt
Cullerton, T.	Landek	Murphy, L.	Mr. President
Cunningham	Lightford	Oberweis	
Delgado	Link	Radogno	
Harmon	Manar	Raoul	
Hastings	Martinez	Rezin	

The following voted in the negative:

Althoff	Forby	McCarter	Sandoval
Anderson	Haine	McConchie	Sullivan
Barickman	Harris	McConnaughay	Syverson

[May 18, 2016]

Bivins	Holmes	Murphy, M.	Weaver
Brady	Luechtefeld	Nybo	
Connelly	McCann	Righter	

The following voted present:

Bennett  
Noland

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.

### READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Martinez, **House Bill No. 5736** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 44; NAYS 12.

The following voted in the affirmative:

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

The following voted in the negative:

Anderson	Luechtefeld	Oberweis
Barickman	McCarter	Rezin
Bivins	McConchie	Righter
Connelly	Murphy, M.	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.

### HOUSE BILL RECALLED

On motion of Senator Koehler, **House Bill No. 2642** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 2642

[May 18, 2016]

AMENDMENT NO. 1. Amend House Bill 2642 by replacing everything after the enacting clause with the following:

"Section 5. The Labor and Storage Lien Act is amended by adding Section 1.5 as follows:  
(770 ILCS 45/1.5 new)

Sec. 1.5. Storage fees; notice to lienholder of record. Any person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle in the person's, firm's, or corporation's possession must provide written notice, by certified mail, to the lienholder of record prior to the assessment and accrual of such fees. The notice shall include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

Section 10. The Labor and Storage Lien (Small Amount) Act is amended by adding Section 1.5 as follows:

(770 ILCS 50/1.5 new)

Sec. 1.5. Storage fees; notice to lienholder of record. Any person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle in the person's, firm's, or corporation's possession must provide written notice, by certified mail, to the lienholder of record prior to the assessment and accrual of such fees. The notice shall include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, or wire transfer, at the option of the lienholder.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Collins, **House Bill No. 3199** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

[May 18, 2016]

Holmes

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

Ordered that the Secretary inform the House of Representatives thereof.

Senator Holmes asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 3199**.

On motion of Senator Forby, **House Bill No. 3217** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAY 1.

The following voted in the affirmative:

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

The following voted in the negative:

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 in the Senate Amendment adopted thereto.

On motion of Senator Martinez, **House Bill No. 3239** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Rezin
Anderson	Haine	McCann	Righter
Barickman	Harmon	McConchie	Rose
Bennett	Harris	McConnaughay	Sandoval
Bertino-Tarrant	Hastings	McGuire	Stadelman
Biss	Holmes	Morrison	Steans

[May 18, 2016]

Bivins	Hunter	Mulroe	Sullivan
Brady	Hutchinson	Muñoz	Syverson
Bush	Jones, E.	Murphy, L.	Trotter
Clayborne	Koehler	Murphy, M.	Van Pelt
Collins	Landek	Noland	Weaver
Connelly	Lightford	Nybo	Mr. President
Cullerton, T.	Link	Oberweis	
Cunningham	Luechtefeld	Radogno	
Delgado	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).  
Ordered that the Secretary inform the House of Representatives thereof.

### HOUSE BILL RECALLED

On motion of Senator Hastings, **House Bill No. 3982** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 3982

AMENDMENT NO. 1. Amend House Bill 3982 on page 37, by inserting immediately below line 20 the following:

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hastings, **House Bill No. 4105** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
Biss	Holmes	McGuire	Stadelman
Bivins	Hunter	Morrison	Stears
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	Radogno	

[May 18, 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.

On motion of Senator Anderson, **House Bill No. 4318** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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	Radogno	

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

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

On motion of Senator Althoff, **House Bill No. 4327** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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 Delgado	Luechtefeld Manar	Oberweis Radogno
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This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).  
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 4330** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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	Mr. President
Cullerton, T.	Link	Nybo	
Cunningham	Luechtefeld	Oberweis	
Delgado	Manar	Radogno	

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

On motion of Senator Collins, **House Bill No. 4343** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Martinez	Raoul
Anderson	Haine	McCann	Rezin
Barickman	Harmon	McCarter	Righter
Bennett	Harris	McConchie	Rose
Bertino-Tarrant	Hastings	McConnaughay	Sandoval
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	Mr. President

[May 18, 2016]

Cullerton, T.	Link	Nybo
Cunningham	Luechtefeld	Oberweis
Delgado	Manar	Radogno

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.

### READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Trotter, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **House Bill No. 4167** was taken up, read by title a second time and ordered to a third reading.

### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Haine, **Senate Bill No. 2191** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was postponed in the Committee on Criminal Law.

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

#### AMENDMENT NO. 2 TO SENATE BILL 2191

AMENDMENT NO. 2. Amend Senate Bill 2191 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the 24-7 Sobriety Pilot Program Act."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cunningham, **Senate Bill No. 2431** having been printed, was taken up, read by title a second time.

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

#### AMENDMENT NO. 1 TO SENATE BILL 2431

AMENDMENT NO. 1. Amend Senate Bill 2431 as follows:

on page 2, line 6, by replacing "issue" with "make".

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

On motion of Senator Haine, **Senate Bill No. 3112** having been printed, was taken up, read by title a second time.

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

#### AMENDMENT NO. 1 TO SENATE BILL 3112

AMENDMENT NO. 1. Amend Senate Bill 3112 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the

[May 18, 2016]

public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections or a county jail if those materials are available in the library of the correctional facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections or a county jail if those materials include records from staff members' personnel files, staff rosters, ~~or~~ other staffing assignment information, law enforcement records of other persons in the custody of or committed to the Department of Corrections or a county jail, or records considered to be contraband or otherwise restricted by the Department of Corrections or county sheriff.

(e-7) Records requested by persons committed to the Department of Corrections if those materials are available through an administrative request to the Department of Corrections.

(e-9) Records requested by persons committed to the Department of Corrections or a county jail regarding criminal investigations or prosecutions, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this Section, and a judge finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person requesting the record.

(e-11) Records requested by persons committed to the Department of Corrections or a county jail, the disclosure of which the Director of the Department of Corrections or county sheriff has reasonable grounds to believe may result in a safety risk, including the risk of harm to any person or the risk of an escape from, or a disorder in, a jail or correctional institution or facility.

(e-13) Records requested by a person in a county jail or committed to the Department of Corrections containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history, or any other identifying information.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment

facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Sections 10-20.38 or

34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

(jj) (ii) Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) Information or materials received, generated, or maintained by a State's Attorney, county sheriff, or other law enforcement agency that are subject to the criminal discovery process, the disclosure of which would circumvent Supreme Court Rule 415. This exemption applies while the case is pending or the subject of a direct appeal.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13; 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; revised 1-11-16.)

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

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

**AMENDMENT NO. 2 TO SENATE BILL 3112**

AMENDMENT NO. 2. Amend Senate Bill 3112, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Sections 3 and 7 and by adding Section 3.4 as follows:

(5 ILCS 140/3) (from Ch. 116, par. 203)

[May 18, 2016]

Sec. 3. (a) Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act. Notwithstanding any other law, a public body may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Act.

(b) Subject to the fee provisions of Section 6 of this Act, each public body shall promptly provide, to any person who submits a request, a copy of any public record required to be disclosed by subsection (a) of this Section and shall certify such copy if so requested.

(c) Requests for inspection or copies shall be made in writing and directed to the public body. Written requests may be submitted to a public body via personal delivery, mail, telefax, or other means available to the public body. A public body may honor oral requests for inspection or copying. A public body may not require that a request be submitted on a standard form or require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver. All requests for inspection and copying received by a public body shall immediately be forwarded to its Freedom of Information officer or designee.

(d) Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

(e) The time for response under this Section may be extended by the public body for not more than 5 business days from the original due date for any of the following reasons:

(i) the requested records are stored in whole or in part at other locations than the office having charge of the requested records;

(ii) the request requires the collection of a substantial number of specified records;

(iii) the request is couched in categorical terms and requires an extensive search for the records responsive to it;

(iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

(v) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions;

(vi) the request for records cannot be complied with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;

(vii) there is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the public body may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(f) When additional time is required for any of the above reasons, the public body shall, within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. A public body that fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records may not impose a fee for those copies. A public body that requests an extension and subsequently fails to respond to the request may not treat the request as unduly burdensome under subsection (g).

(g) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If any public body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly



burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information.

Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision.

(h) Each public body may promulgate rules and regulations in conformity with the provisions of this Section pertaining to the availability of records and procedures to be followed, including:

- (i) the times and places where such records will be made available, and
- (ii) the persons from whom such records may be obtained.

(i) The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose, requests by a recurrent requester, requests made by a person committed to the Department of Corrections or a county jail, or voluminous requests. Such requests shall be subject to the provisions of Sections 3.1, 3.2, 3.4, and 3.6 of this Act, as applicable.

(Source: P.A. 98-1129, eff. 12-3-14.)

(5 ILCS 140/3.4 new)

Sec. 3.4. Requests by incarcerated individuals. A public body shall respond to a request for records from a person committed to the Department of Corrections or a county jail within 21 working days after receipt.

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(e-5) Records requested by persons committed to the Department of Corrections or a county jail if those materials are available in the library of the correctional facility or jail where the inmate is confined.

(e-6) Records requested by persons committed to the Department of Corrections or a county jail if those materials include records from staff members' personnel files, staff rosters, or other staffing assignment information.

(e-7) Records requested by persons committed to the Department of Corrections if those materials are available through an administrative request to the Department of Corrections.

(e-8) Records requested by a person committed to the Department of Corrections or a county jail, the disclosure of which would result in the risk of harm to any person or the risk of an escape from a jail or correctional institution or facility.

(e-9) Records requested by a person in a county jail or committed to the Department of Corrections containing personal information pertaining to the person's victim or the victim's family, including, but not limited to, a victim's home address, home telephone number, work or school address, work telephone number, social security account number, or any other identifying information, except as may be relevant to a requester's current or potential case or claim.

(e-10) Records requested by a person committed to the Department of Corrections or a county jail if those materials include law enforcement records of other persons in the custody of or committed to the Department of Corrections or a county jail, except as these records may be relevant to the requester's current or potential case or claim.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinion are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data

obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(ee) The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(gg) Confidential information described in Section 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

(hh) The report submitted to the State Board of Education by the School Security and Standards Task Force under item (8) of subsection (d) of Section 2-3.160 of the School Code and any information contained in that report.

(ii) Records requested by persons committed to or detained by the Department of Human Services under the Sexually Violent Persons Commitment Act or committed to the Department of Corrections under the Sexually Dangerous Persons Act if those materials: (i) are available in the library of the facility where the individual is confined; (ii) include records from staff members' personnel files, staff rosters, or other staffing assignment information; or (iii) are available through an administrative request to the Department of Human Services or the Department of Corrections.

~~(jj) (jj)~~ Confidential information described in Section 5-535 of the Civil Administrative Code of Illinois.

(kk) Information or materials received, generated, or maintained by a State's Attorney, county sheriff, or other law enforcement agency that are subject to the criminal discovery process, the disclosure of which would circumvent Supreme Court Rule 415. This exemption applies while the case is pending at the trial level.

(1.5) Any information exempt from disclosure under the Judicial Privacy Act shall be redacted from public records prior to disclosure under this Act.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act. (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13; 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; revised 1-11-16.)

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

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 1883**

Offered by Senator McConnaughay and all Senators:  
Mourns the death of Timothy R. Butcher of Huntley.

**SENATE RESOLUTION NO. 1884**

Offered by Senator McConnaughay and all Senators:  
Mourns the death of Maxine V. Kempf of Crystal Lake.

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

**COMMITTEE MEETING ANNOUNCEMENT FOR MAY 19, 2016**

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

Environment and Conservation in Room 400

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

May 18, 2016

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Andy Manar to temporarily replace Senator Ira Silverstein as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

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

[May 18, 2016]

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

May 18, 2016

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

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am cancelling Session scheduled for Friday, May 20<sup>th</sup>, 2016.

Session will reconvene on Monday, May 23<sup>rd</sup>, 2016.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 2:50 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, May 19, 2016, at 11:00 o'clock a.m.

[May 18, 2016]