

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

118TH LEGISLATIVE DAY

TUESDAY, MAY 24, 2016

12:05 O'CLOCK P.M.

NO. 118 [May 24, 2016]

SENATE Daily Journal Index 118th Legislative Day

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The Senate met pursuant to adjournment. Senator James F. Clayborne, Belleville, Illinois, presiding. Prayer by Bishop Henry Phillips, Power of Change Christian Church, Cahokia, Illinois. Senator Mulroe led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, May 23, 2016, be postponed, pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 1 to Senate Resolution 1719 Floor Amendment No. 2 to Senate Resolution 1761

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. 4 to Senate Bill 2191

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

Committee Amendment No. 1 to House Bill 397 Committee Amendment No. 1 to House Bill 4633

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. 5 to House Bill 940 Floor Amendment No. 1 to House Bill 1380 Floor Amendment No. 1 to House Bill 4678

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2532 Motion to Concur in House Amendment 1 to Senate Bill 3130

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1915

Offered by Senator Clayborne and all Senators: Mourns the death of Minevar Ramsey.

SENATE RESOLUTION NO. 1917

Offered by Senator Hunter and all Senators: Mourns the death of Estella "Stella" Smith.

SENATE RESOLUTION NO. 1918

Offered by Senator Anderson and all Senators: Mourns the death of Dennis D. Askam of Moline.

SENATE RESOLUTION NO. 1919

Offered by Senator Anderson and all Senators: Mourns the death of Charles J. Miller of Colona.

SENATE RESOLUTION NO. 1920

Offered by Senator Anderson and all Senators: Mourns the death of Richard A. "Dick" Puder, Sr., of Silvis.

SENATE RESOLUTION NO. 1921

Offered by Senator Anderson and all Senators: Mourns the death of Dale S. O'Connor of Silvis.

SENATE RESOLUTION NO. 1922

Offered by Senator Anderson and all Senators: Mourns the death of Luther Leroy Wages of Moline.

SENATE RESOLUTION NO. 1923

Offered by Senator Anderson and all Senators: Mourns the death of Clarence R. "Chauncey" Powers of Seminole, Florida, formerly of Moline.

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

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

SENATE RESOLUTION NO. 1916

WHEREAS, The Medicaid program in Illinois has a substantial and growing impact both in terms of taxpayer dollars and in terms of the effect it has on citizens across the State; and

WHEREAS, State resources for healthcare services are currently so scarce that many healthcare providers are discontinuing services leading to a profoundly detrimental impact on our communities; and

WHEREAS, Enrollment under the Department of Healthcare and Family Services' Medical Programs (Medicaid) exceeds 3 million; and

WHEREAS, Over 60% of the Medicaid population is currently enrolled in Managed Care Organizations (MCOs), making outlays to MCOs one of the largest resource uses in the State; and

WHEREAS, Heretofore there has been inadequate information disseminated to the General Assembly in terms of how State resources are being spent on MCOs and on the overall healthcare outcomes for individuals enrolled in these MCOs; and

WHEREAS, In an environment of limited funding for education and other critical needs, the Senate must stay engaged in Medicaid funding and corresponding healthcare outcome issues and be prepared to make legislative decisions and administrative recommendations; and

WHEREAS, Having per-recipient MCO costs from each State fiscal year for each eligibility category as a basis for comparison to the Fee-For-Service baseline per-recipient costs will help this institution determine how effectively Medicaid resources are being managed; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we request from the Department of Healthcare and Family Services the following information:

(1) Calculating a Fee-For-Service baseline.

(a) For Fiscal Year 2012, provide the following:

(i) The total Fiscal Year 2012 Fee-For-Service Medical liability for the Family

Health Plan population divided by the total Fiscal Year 2012 Family Health Plan Fee-For-Service recipient member days. This quotient multiplied by 365 becomes the Fiscal Year 2012 per-recipient Fee-For-Service cost for the Family Health Plan.

(ii) The total Fiscal Year 2012 Fee-For-Service Medical liability for the

Integrated Care Program population divided by the total Fiscal Year 2012 Integrated Care Program Fee-For-Service recipient member days. This quotient multiplied by 365 becomes the Fiscal Year 2012 per-recipient Fee-For-Service cost for the Integrated Care Program.

(iii) The total Fiscal Year 2012 Fee-For-Service Medical liability for the

Medicare-Medicaid Alignment Initiative population divided by the total Fiscal Year 2012 Medicare-Medicaid Alignment Initiative Fee-For-Service recipient member days. This quotient multiplied by 365 becomes the Fiscal Year 2012 per-recipient Fee-For-Service cost for Medicare-Medicaid Alignment Initiative.

For these calculations, "Medical liability" is defined as payments billed by

providers to any State agency for healthcare services provided to eligible Medicaid enrollees during dates of service between July 1 and June 30 of each fiscal year (commonly referred to by the Department of Healthcare and Family Services as DCN liability).

(b) For Fiscal Year 2013: replicate all steps in (1)(a) using Fiscal Year 2013 Fee-For-Service data.

(c) For Fiscal Year 2014: replicate all steps in (1)(a) using Fiscal Year 2014 Fee-For-Service data.

(d) For each category (Family Health Plan, Integrated Care Program, and

Medicare-Medicaid Alignment Initiative), the Fee-For-Service annual per-recipient cost baseline shall be the sum of the Fiscal Year 2012, Fiscal Year 2013, and Fiscal Year 2014 per-recipient cost divided by 3.

(e) Provide the Department of Healthcare and Family Services total computable

administrative cost for Fiscal Year 2012, Fiscal Year 2013, and Fiscal Year 2014. Also, for each of these years, provide the MCO-comparable administrative cost which is calculated by taking the total computable administrative cost less all administrative costs associated with: eligibility screenings, schools, other agencies, federal Electronic Health Records incentives and planning, eligibility system design, and county/local administration.

(2) MCO per-recipient costs for Fiscal Year 2015.

(a) Sum all MCO capitation payments made on behalf of Family Health Plan recipients during Fiscal Year 2015 and divide this sum by the corresponding number of MCO member months for these same recipients during the fiscal year. This becomes the Fiscal Year 2015 per-recipient MCO cost for the Family Health Plan.

(b) Sum all MCO capitation payments made on behalf of Integrated Care Program recipients during Fiscal Year 2015 and divide this sum by the corresponding number of MCO member months for these same recipients during the fiscal year. This becomes the Fiscal Year 2015 perrecipient MCO cost for the Integrated Care Program.

(c) Sum all MCO capitation payments made on behalf of Medicare-Medicaid Alignment Initiative recipients during Fiscal Year 2015 and divide this sum by the corresponding number of MCO member months for these same recipients during the fiscal year. This becomes the Fiscal Year 2015 per-recipient MCO cost for the Medicare-Medicaid Alignment Initiative.

For (a), (b), and (c), legislatively-mandated changes related to Medicaid

reimbursement occurring on or after July 1, 2014 can be excluded from summary totals, although please list and detail these specific items including the actuary's calculations for inclusion into the MCO rates. Also, please exclude (and detail separately) any payments associated with the Hospital Assessment program or the Hospital ACA program.

(d) Provide the Department of Healthcare and Family Services total computable

administrative cost for Fiscal Year 2015. Additionally provide the Fiscal Year 2015 MCOcomparable administrative cost which is calculated by taking the total computable administrative cost less all administrative costs associated with: eligibility screenings, schools, other agencies, federal Electronic Health Records incentives and planning, eligibility system design, and county/local administration.

(e) Provide the aggregate sum total of all MCO payments for Fiscal Year 2015 as well

as the aggregate MCO member months for Fiscal Year 2015.

(f) Provide the sum total of all encounter data received from MCOs in Fiscal Year

2015.

Provide to the Senate Human Services Committee all data requested in (1) and (2) above no later than August 1, 2016.

(3) MCO per-recipient costs for Fiscal Year 2016. Replicate all steps in (2) above, only substituting in Fiscal Year 2016 data. Provide this data to the Senate Human Services committee by August 31, 2016; and be it further

RESOLVED, That a copy of this resolution be presented to the Director of the Department of Healthcare and Family Services.

Senator E. Jones III offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 1924

WHEREAS, Automated traffic law enforcement systems were justified as public and vehicle safety tools; and

WHEREAS, Studies have shown that annual crashes have remained about the same before and after the installation of the cameras; and

WHEREAS, Municipal officials and camera company executives have been arrested in red light camera corruption schemes; and

WHEREAS, It is a goal of this body to provide greater transparency and accountability in automated traffic law enforcement systems; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct an audit of evaluating automated traffic law enforcement systems in this State; and be it further

RESOLVED, That the audit include, but not be limited to, the overall operation, usage, and regulation of the automated traffic law enforcement systems and any other information or recommendations the Auditor General deems necessary; and be it further

RESOLVED, That the Department of Transportation and any other State agency or other entity having information relevant to this audit cooperate fully and promptly with the Auditor General's Office in the conduct of this audit; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and report its findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Auditor General and the Secretary of the Illinois Department of Transportation.

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

SENATE JOINT RESOLUTION NO. 57

WHEREAS, General George Washington created the Order of the Purple Heart for Military Merit, now commonly called the Purple Heart, during the Revolutionary War; and

WHEREAS, Desiring to cherish a virtuous ambition in his soldiers, General Washington created the Badge of Military Merit for any singularly meritorious action performed by a soldier; and

WHEREAS, The Purple Heart is awarded to a member of the United States Armed Forces who is wounded or killed in action as a result of enemy activity; and

WHEREAS, The Purple Heart is a symbol of courage and devotion; purple was chosen because it was associated with royalty and would stand out on any uniform; and

WHEREAS, In addition to lauding instances of unusual gallantry, the Purple Heart serves as a symbol of extraordinary fidelity and essential service; and

WHEREAS, The first three Purple Heart recipients were Sergeant Elijah Churchill, Fourth Troop, Second Troop of Light Dragoons; Sergeant William Brown of the 5th Connecticut Regiment; and Sergeant Daniel Bissell of the 2nd Connecticut Regiment; and

WHEREAS, General Douglas MacArthur revived the Badge of Military Merit in 1931 for the bicentennial of George Washington's birth; the reissued medal is a gold-plated brass heart with a bust of Washington in the center and the Washington family coat of arms at the top; and

WHEREAS, A group of combat wounded veterans in Ansonia, Connecticut formed the first chapter of a civilian organization for Purple Heart recipients; and

WHEREAS, Other states throughout the country have designated themselves as Purple Heart States; and

WHEREAS, The people of Illinois have great admiration and the utmost gratitude for all the men and women who have selflessly served their country; and

WHEREAS, Illinois' veterans have given their lives so we can maintain our freedom and way of life; and

WHEREAS, It is fitting to honor combat-wounded veterans for their service and sacrifice; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we declare the State of Illinois as a Purple Heart State; and be it further

RESOLVED, That we give our thanks to all of those who have served and sacrificed their lives for our State and country; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Hayes-Krell Chapter 159.

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

SENATE JOINT RESOLUTION NO. 58

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created the Task Force on Unclaimed Life Insurance Policies to gather information and recommend legislation, including amendments to any legislation passed by the 99th General Assembly, concerning unclaimed life insurance policies; and be it further

RESOLVED, That the Task Force shall perform the following tasks:

(1) review provisions concerning unclaimed life insurance policies in the laws of other

states and in Global Resolution Agreements entered into between life insurance companies and state insurance and unclaimed property administrators;

(2) review the work and research of the National Association of Insurance Commissioners Unclaimed Benefits Model Drafting (A) Subgroup, the National Conference of Insurance Legislators, and the National Conference of Commissioners on Uniform State Laws;

(3) review information provided by the Department of Insurance;

(4) make recommendations on how to treat various kinds of life insurance policies identified in the records of life insurance companies as lapsed, especially when the policy had not lapsed, had not been cancelled, and had not been terminated at the time of death of the insured; and

(5) make recommendations on improvements to collecting and updating current contact information for the beneficiaries of life insurance policies so as to reduce the amount of life insurance benefits that are reported to the State Treasurer as unclaimed property; and be it further

RESOLVED, That the Task Force shall be composed of 11 voting members as follows:

(1) the Illinois State Treasurer or his or her designee, who shall serve as chair of the

Task Force;

(2) two members appointed by the President of the Senate;

(3) one member appointed by the Minority Leader of the Senate;

(4) two members appointed by the Speaker of the House of Representatives;

(5) one member appointed by the Minority Leader of the House of Representatives;

(6) one member appointed by the Director of the Department of Insurance; and

(7) three members representing the public appointed by the State Treasurer, one of whom must represent the insurance industry; and be it further

RESOLVED, That the Task Force may conduct business upon the appointment of a majority of the voting members; the Task Force shall meet at the call of the Chair or of any six members of the Task Force; for the purposes of Task Force meetings, a quorum is six voting members; the Task Force shall meet in accordance with the requirements of the Open Meetings Act; and be it further

RESOLVED, That staff support services shall be provided to the Task Force by the Office of the State Treasurer and appropriate legislative staff; members shall serve without compensation, but may be reimbursed for their expenses; and be it further

RESOLVED, That the Task Force shall submit a final report with any recommendations by December 31, 2016 and may submit other reports as it deems appropriate; the Task Force is abolished upon the submission of its final report.

ANNOUNCEMENT ON ATTENDANCE

Senator Althoff announced for the record that Senator Anderson was absent due to personal business.

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

At the hour of 12:10 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:52 o'clock p.m., the Senate resumed consideration of business. Senator Link, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cunningham, **House Bill No. 4264** was taken up, read by title a second time. Committee Amendment No. 1 was postponed in the Committee on Licensed Activities and Pensions.

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

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

On motion of Senator Barickman, **House Bill No. 4603** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Assignments.

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

On motion of Senator Martinez, **House Bill No. 3363** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3363

AMENDMENT NO. <u>1</u>. Amend House Bill 3363 by replacing everything after the enacting clause with the following.

"Section 5. The Recyclable Metal Purchase Registration Law is amended by changing Section 6.5 as follows:

(815 ILCS 325/6.5)

Sec. 6.5. Recyclable Metal Theft Task Force.

(a) The Recyclable Metal Theft Task Force is created within the Office of the Secretary of State. The Office of the Secretary of State shall provide administrative support for the Task Force. The Task Force shall consist of the members designated in subsections (b) and (c).

(b) Members of the Task Force representing the State shall be appointed as follows:

(1) Two members of the Senate appointed one each by the President of the Senate and by the Minority Leader of the Senate;

(2) Two members of the House of Representatives appointed one each by the Speaker of the House of Representatives and by the Minority Leader of the House of Representatives;

(3) One member representing the Office of the Secretary of State appointed by the

Secretary of State; and

(4) Two members representing the Department of State Police appointed by the Director of State Police, one of whom must represent the State Police Academy.

(c) The members appointed under subsection (b) shall select from their membership a chairperson. The chairperson shall appoint the public members of the Task Force as follows:

(1) One member representing municipalities in this State with consideration given to

persons recommended by an organization representing municipalities in this State;

(2) Five chiefs of police from various geographical areas of the State with

consideration given to persons recommended by an organization representing chiefs of police in this State;

(3) One representative of a public utility headquartered in Illinois;

(4) One representative of recyclable metal dealers in Illinois;

(5) One representative of scrap metal suppliers in Illinois;

(6) One representative of insurance companies offering homeowners insurance in this State; and

(7) One representative of rural electric cooperatives in Illinois; and -

(8) One representative of a local exchange carrier doing business in Illinois.

(d) The Task Force shall endeavor to establish a collaborative effort to combat recyclable metal theft throughout the State and assist in developing regional task forces, as determined necessary, to combat recyclable metal theft. The Task Force shall consider and develop long-term solutions, both legislative and enforcement-driven, for the rising problem of recyclable metal thefts in this State.

(e) Each year, the Task Force shall review the effectiveness of its efforts in deterring and investigating the problem of recyclable metal theft and in assisting in the prosecution of persons engaged in recyclable metal theft. The Task Force shall by October 31 of each year report its findings and recommendations to the General Assembly and the Governor.

(Source: P.A. 99-52, eff. 1-1-16.)".

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

On motion of Senator Radogno, House Bill No. 6303 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 6303

AMENDMENT NO. <u>1</u>. Amend House Bill 6303 on page 1, by inserting immediately below line 20 the following:

"(a-5) This Section does not apply to:

(1) a person exempt under Section 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection (i) of Section 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.".

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 Connelly, **House Bill No. 4552** 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Harris	McConchie	Sandoval
Barickman	Hastings	McConnaughay	Silverstein
Bennett	Hunter	McGuire	Stadelman
Biss	Hutchinson	Morrison	Steans
Bivins	Jones, E.	Mulroe	Sullivan
Brady	Koehler	Muñoz	Syverson
Bush	Landek	Murphy, L.	Trotter
Clayborne	Lightford	Murphy, M.	Van Pelt
Connelly	Link	Noland	Weaver
Cullerton, T.	Luechtefeld	Oberweis	Mr. President
Cunningham	Manar	Radogno	
Forby	Martinez	Raoul	
Haine	McCann	Rezin	
Harmon	McCarter	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 Brady, **House Bill No. 4558** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

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

YEAS 52; NAYS None.

a third time.

The following voted in the affirmative:

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Martinez, **House Bill No. 4562** 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 52; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hutchinson, **House Bill No. 4590** 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; NAYS None.

The following voted in the affirmative:

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Connelly, **House Bill No. 4614** 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	Harmon	McCann	Raoul
Barickman	Harris	McCarter	Rezin
Bennett	Hastings	McConchie	Rose
Biss	Holmes	McConnaughay	Sandoval
Bivins	Hunter	McGuire	Silverstein
Brady	Hutchinson	Morrison	Stadelman
Bush	Jones, E.	Mulroe	Steans
Clayborne	Koehler	Muñoz	Sullivan
Connelly	Landek	Murphy, L.	Syverson
Cullerton, T.	Lightford	Murphy, M.	Trotter
Cunningham	Link	Noland	Van Pelt
Delgado	Luechtefeld	Nybo	Weaver
Forby	Manar	Oberweis	Mr. President
Haine	Martinez	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 Althoff, **House Bill No. 4627** 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 54; NAYS None.

The following voted in the affirmative:

Althoff

Harmon

McCann

Raoul

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

At the hour of 1:28 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:36 o'clock, p.m., the Senate resumed consideration of business. Senator Link, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, reported the following Resolutions have been assigned to the indicated Standing Committees of the Senate:

Agriculture: House Joint Resolution No. 141.

Human Services: Senate Resolution No. 1916.

Transportation: House Joint Resolution No. 121.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: Floor Amendment No. 1 to Senate Bill 1055.

Criminal Law: Floor Amendment No. 1 to Senate Bill 1047; Floor Amendment No. 3 to Senate Bill 2191; Floor Amendment No. 4 to Senate Bill 2191; Floor Amendment No. 1 to House Bill 4683; Committee Amendment No. 1 to House Bill 5472.

Education: Committee Amendment No. 1 to House Bill 397; Committee Amendment No. 2 to House Bill 810.

Environment and Conservation: Floor Amendment No. 2 to Senate Bill 550.

Executive: SENATE BILL 3098.

Human Services: Floor Amendment No. 1 to House Bill 4678; Floor Amendment No. 2 to House Bill 6213; HOUSE BILLS 581, 5764 and 5931.

Insurance: HOUSE BILL 5628.

Judiciary: Committee Amendment No. 1 to House Joint Resolution 124; Floor Amendment No. 2 to Senate Bill 553; Floor Amendment No. 2 to House Bill 4658; Floor Amendment No. 1 to House Bill 5539; Floor Amendment No. 3 to House Bill 5902; Committee Amendment No. 1 to House Bill 5945.

Labor: Floor Amendment No. 1 to House Bill 1380; Floor Amendment No. 1 to House Bill 5930; HOUSE BILL 3554.

Licensed Activities and Pensions: Floor Amendment No. 2 to House Bill 4264; Floor Amendment No. 1 to House Bill 6298; HOUSE BILL 1646.

Local Government: Floor Amendment No. 3 to House Bill 229; Floor Amendment No. 1 to Senate Bill 912; Floor Amendment No. 2 to Senate Bill 3025; Floor Amendment No. 1 to House Bill 4603; Floor Amendment No. 2 to House Bill 4630.

Public Health: Floor Amendment No. 2 to House Bill 6123.

Revenue: Floor Amendment No. 1 to House Bill 4394.

State Government and Veterans Affairs: Committee Amendment No. 1 to Senate Joint Resolution 53; Floor Amendment No. 2 to Senate Resolution 1761.

Transportation: Committee Amendment No. 1 to Senate Bill 2520; Floor Amendment No. 2 to House Bill 4377; HOUSE BILL 750.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Financial Institutions: Motion to Concur in House Amendments 1 and 3 to Senate Bill 2864

State Government and Veterans Affairs: Motion to Concur in House Amendments 1 and 2 to Senate Bill 2532

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, to which was referred **Senate Bills Numbered 2052, 2053 and 2054** on October 10, 2015, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And Senate Bills Numbered 2052, 2053 and 2054 were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, to which was referred **Senate Bills Numbered 304, 520, 521 and 522** on April 21, 2015, reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And Senate Bills Numbered 304, 520, 521 and 522 were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, to which was referred **House Bill No. 2643** 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. 2643** was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, to which was referred **House Bill No. 3190** on May 15, 2015, pursuant to Rule 3-9(a), 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. 3190 was returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, to which was referred **Appointment Message No. 990510**, on May 23, 2016, reported that the Committee recommends that the message be approved for consideration and placed on the Senate Calendar.

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

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 24, 2016 meeting, reported that the following Legislative Measures have been approved for consideration:

Floor Amendment No. 5 to House Bill 940 Floor Amendment No. 1 to Senate Resolution 1719 Floor Amendment No. 1 to Senate Bill 2049 Floor Amendment No. 1 to House Bill 4517 Floor Amendment No. 4 to House Bill 5948 Floor Amendment No. 2 to House Bill 5973

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

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 1049; Committee Amendment No. 1 to House Bill 810; Floor Amendment No. 2 to House Bill 5902; Floor Amendment No. 1 to Senate Resolution 1761

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 2:45 o'clock p.m.:

Public Health in Room 400

COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 25, 2016

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

Local Government in Room 212

The Chair announced the following committee to meet at 10:30 o'clock a.m.:

Environment and Conservation in Room 400

POSTING NOTICES WAIVED

Senator Raoul moved to waive the six-day posting requirement on **House Bill No. 5764** so that the measure may be heard in the Committee on Human Services that is scheduled to meet today.

YEAS 33; NAYS 11.

The following voted in the affirmative:

Bennett Biss Brady Bush Clayborne Cullerton, T. Cunningham Delgado Eachy:	Haine Harmon Hastings Hunter Hutchinson Jones, E. Koehler Lightford Link	Martinez McConnaughay McGuire Mulroe Muñoz Murphy, L. Noland Raoul Silverstein	Stadelman Steans Sullivan Trotter Van Pelt Mr. President
Forby The following voted Althoff Bivins Connelly		Nybo Radogno Rose	Syverson Weaver

The motion prevailed.

Senator Hastings moved to waive the six-day posting requirement on **House Bill No. 750** so that the measure may be heard in the Committee on Transportation that is scheduled to meet today. And on that motion, a call of the roll was had resulting as follows:

YEAS 34; NAYS 17.

The following voted in the affirmative:

Bennett	Harmon	Manar	Silverstein
Biss	Hastings	Martinez	Stadelman
Bush	Holmes	McGuire	Steans
Clayborne	Hunter	Morrison	Sullivan
Cullerton, T.	Hutchinson	Mulroe	Trotter
Cunningham	Jones, E.	Muñoz	Van Pelt
Delgado	Koehler	Murphy, L.	Mr. President
Forby	Lightford	Noland	
Haine	Link	Raoul	
The following vote	d in the negative:		

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

Senator Steans moved to waive the six-day posting requirement on **House Bill No. 5931** so that the measure may be heard in the Committee on Human Services that is scheduled to meet today. The motion prevailed.

Senator Koehler moved to waive the six-day posting requirement on **House Joint Resolution No.** 121 so that the measure may be heard in the Committee on Transportation that is scheduled to meet today. The motion prevailed.

HOUSE BILL RECALLED

On motion of Senator Connelly, **House Bill No. 4648** was recalled from the order of third reading to the order of second reading.

Senator Connelly offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4648

AMENDMENT NO. 1. Amend House Bill 4648 on page 10, line 10, by changing "(blank);" to "the user had a specific account with the custodian, identifiable by the information specified in subparagraph (A); or".

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 BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Connelly, **House Bill No. 4648** 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; NAYS None.

The following voted in the affirmative:

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

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

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator J. Cullerton, **House Bill No. 648** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 648

AMENDMENT NO. 1. Amend House Bill 648 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 1.1 as follows: (30 ILCS 105/1.1) (from Ch. 127, par. 137.1) Sec. 1.1. This Act shall be known and and may be cited as the "State Finance Act".

(Source: P.A. 86-109.)".

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

On motion of Senator J. Cullerton, **House Bill No. 2990** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 HOUSE BILL 2990

AMENDMENT NO. <u>1</u>. Amend House Bill 2990 by replacing everything after the enacting clause with the following:

"Section 5. The amount of \$2, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Teachers' Retirement System for its ordinary and contingent expenses.

Section 99. Effective date. This Act takes effect on July 1, 2016.

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

On motion of Senator J. Cullerton, **House Bill No. 4334** having been printed, was taken up and read by title a second time.

Senator J. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4334

AMENDMENT NO. 1. Amend House Bill 4334 as follows:

on page 3, immediately below line 5, by inserting:

"The provisions of this subsection (b), other than this sentence, are inoperative on and after June 30, 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.

On motion of Senator J. Cullerton, House Bill No. 3190 was taken up, read by title a second time and ordered to a third reading.

POSTING NOTICES WAIVED

Senator Biss moved to waive the six-day posting requirement on **House Bill No. 581** so that the measure may be heard in the Committee on Human Services that is scheduled to meet today. The motion prevailed.

Senator Biss moved to waive the six-day posting requirement on **Senate Resolution No. 1916** so that the measure may be heard in the Committee on Human Services that is scheduled to meet today. The motion prevailed.

SENATE BILL RECALLED

On motion of Senator Forby, **Senate Bill No. 2049** was recalled from the order of third reading to the order of second reading.

Senator Forby offered the following amendment and moved its adoption:

AMENDMENT NO. 1 SENATE BILL 2049

AMENDMENT NO. 1_. Amend Senate Bill 2049 by replacing everything after the enacted clause with the following:

"ARTICLE 1

Section 5. The sum of \$396,392,588, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made in Article 14, Section 160 of Public Act 98-0675, is reappropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school construction projects authorized by the School Construction Law, and other capital improvements.

Section 10. The sum of \$898,976, or so much of that amount as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made in Article 14, Section 165 of Public Act 98-0675, is reappropriated from the School Construction Fund to the Capital Development Board for Fiscal Year 2002 School Construction Program grant recipients, and other capital improvements as follows:

Silvis School District	34	2
Westmont Community	/ Unit School District 201	. 898,974

Section 15. The sum of \$18,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made for such purpose in Article 14, Section 185 of Public Act 98-0675, is reappropriated from the School Construction Fund to the Capital Development Board for grants to school districts for school improvement projects authorized by the School Construction Law, and other capital improvements.

Section 20. The sum of \$20,356,631, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made in Article 16, Section 5 of Public Act 98-0675, as amended, is reappropriated from the School Construction Fund to the Illinois State Board of Education for school districts for maintenance projects authorized by School Construction Law.

Section 25. The sum of \$25,000,000, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made for such purpose in Article 16, Section 15 of Public Act 98-0675, as amended, is reappropriated from the Capital Development Fund to the Illinois State Board of Education for grants to school districts for school construction projects pursuant to 105 ILCS 5/2-3.146.

Section 30. The sum of \$10,110,139, or so much thereof as may be necessary and remains unexpended at the close of business on June 30, 2015, from a reappropriation heretofore made for such purpose in Article 2, Section 5 of Public Act 98-0675, is reappropriated from the Build Illinois Bond Fund to the Secretary of State for capital grants to public libraries for permanent improvements.

ARTICLE 98

Section 98. The appropriation authority granted in this Act shall be valid for costs incurred prior to July 1, 2016.

ARTICLE 99

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

20

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Forby, **Senate Bill No. 2049** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Hutchinson, **Senate Bill No. 2920** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff Barickman Bennett Biss	Harmon Harris Hastings Holmes	McCarter McConchie McConnaughay McGuire	Rezin Righter Rose Sandoval
Bivins	Hunter	Morrison	Silverstein
Brady	Hutchinson	Mulroe	Stadelman
Bush	Jones, E.	Muñoz	Steans
Clayborne	Koehler	Murphy, L.	Sullivan
Connelly	Lightford	Murphy, M.	Syverson
Cullerton, T.	Link	Noland	Trotter
Cunningham	Luechtefeld	Nybo	Van Pelt
Delgado	Manar	Oberweis	Weaver

Forby	Martinez	Radogno	Mr. President
Haine	McCann	Raoul	

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

On motion of Senator Hastings, **Senate Bill No. 2932** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following

vote:

YEAS 55; NAYS None.

The following voted in the affirmative:

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Syverson, **House Bill No. 4688** 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; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	McCarter	Rezin
Barickman	Harris	McConchie	Rose
Bennett	Hastings	McConnaughay	Sandoval
Biss	Holmes	McGuire	Silverstein
Bivins	Hunter	Morrison	Stadelman
Brady	Hutchinson	Mulroe	Steans
Bush	Jones, E.	Muñoz	Sullivan
Clayborne	Koehler	Murphy, L.	Trotter

Connelly	Lightford	Murphy, M.	Van Pelt
Cullerton, T.	Link	Noland	Weaver
Cunningham	Luechtefeld	Nybo	Mr. President
Delgado	Manar	Oberweis	
Forby	Martinez	Radogno	
Haine	McCann	Raoul	

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

On motion of Senator Hastings, **House Bill No. 4697** 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; NAYS None.

The following voted in the affirmative:

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

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

HOUSE BILL RECALLED

On motion of Senator Radogno, **House Bill No. 4715** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4715

AMENDMENT NO. 2_. Amend House Bill 4715, AS AMENDED, 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.

(a-5) In accordance with Section 11.6 of this Act, a requester may file an action to enforce a binding opinion issued under Section 9.5 of this Act.

(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 <u>attorney's attorneys'</u> 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 <u>January 1, 2010</u> (the effective date of <u>Public Act 96-542</u>) 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. The court may impose an additional penalty of up to \$1,000 for each day the violation continues if:

(1) the public body fails to comply with the court's order after 30 days;

(2) the court's order is not on appeal or stayed; and

(3) the court does not grant the public body additional time to comply with the court's order to disclose public records.

The changes contained in this subsection <u>made by Public Act 96-542</u> apply to an action filed on or after <u>January 1, 2010</u> (the effective date of <u>Public Act 96-542</u>) 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)

Sec. 11.6. Noncompliance with binding opinion.

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

(1) the Attorney General issues a binding opinion pursuant to Section 9.5;

(2) the public body does not file for administrative review of the binding opinion within 35 days after the binding opinion is served on the public body; and

(3) the public body does not comply with the binding opinion within 35 days after the binding opinion is served on the public body.

For purposes of this subsection (a), service of the binding opinion shall be by personal delivery or by depositing the opinion in the United States mail as provided in Section 3-103 of the Code of Civil Procedure.

(b) The presumption in subsection (a) may be rebutted by the public body showing that it is making a good faith effort to comply with the binding opinion, but compliance was not possible within the 35-day time frame.

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

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 Radogno, **House Bill No. 4715** 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 56; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Rose, **House Bill No. 4820** 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 54; NAYS None.

The following voted in the affirmative:

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Weaver, **House Bill No. 4826** 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 51; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	McConchie	Righter
Barickman	Hunter	McConnaughay	Rose
		ų .	
Bivins	Hutchinson	McGuire	Sandoval
Brady	Jones, E.	Morrison	Silverstein
Clayborne	Koehler	Mulroe	Stadelman
Connelly	Landek	Muñoz	Steans
Cunningham	Lightford	Murphy, M.	Sullivan
Delgado	Link	Noland	Syverson
Forby	Luechtefeld	Nybo	Trotter
Haine	Manar	Oberweis	Van Pelt
Harmon	Martinez	Radogno	Weaver
Harris	McCann	Raoul	Mr. President
Hastings	McCarter	Rezin	

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

On motion of Senator Radogno, **House Bill No. 4935** 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 56; NAYS None.

The following voted in the affirmative:

Althoff	Harris	McConchie	Rose
Barickman	Hastings	McConnaughay	Sandoval

Bennett	Holmes	McGuire	Silverstein
Biss	Hunter	Morrison	Stadelman
Bivins	Hutchinson	Mulroe	Steans
Brady	Jones, E.	Muñoz	Sullivan
Bush	Koehler	Murphy, L.	Syverson
Clayborne	Landek	Murphy, M.	Trotter
Connelly	Lightford	Noland	Van Pelt
Cullerton, T.	Link	Nybo	Weaver
Cunningham	Luechtefeld	Oberweis	Mr. President
Delgado	Manar	Radogno	
Forby	Martinez	Raoul	
Haine	McCann	Rezin	
Harmon	McCarter	Righter	

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Stadelman, **House Bill No. 4964** 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 Barickman Bennett Biss Bivins Brady Bush Clayborne Connelly Cullerton, T. Cunningham Delgado	Harmon Harris Hastings Holmes Hunter Hutchinson Jones, E. Koehler Landek Lightford Link Manar	McCarter McConchie McConnaughay McGuire Morrison Mulroe Muñoz Murphy, L. Murphy, M. Noland Nybo Oberweis	Rezin Righter Rose Sandoval Silverstein Stadelman Steans Sullivan Syverson Trotter Van Pelt Weaver Mo Devident
Delgado Forby	Manar Martinez	Oberweis Radogno	Weaver Mr. President
Haine	McCann	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.

On motion of Senator Hunter, **House Bill No. 4966** 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	Harmon	McCarter
Barickman	Harris	McConchie

Rezin Righter

Bennett Biss	Hastings Hunter	McConnaughay McGuire	Rose Sandoval
Bivins	Hutchinson	Morrison	Silverstein
Brady	Jones, E.	Mulroe	Stadelman
Bush	Koehler	Muñoz	Steans
Clayborne	Landek	Murphy, L.	Sullivan
Connelly	Lightford	Murphy, M.	Syverson
Cullerton, T.	Link	Noland	Trotter
Cunningham	Luechtefeld	Nybo	Van Pelt
Delgado	Manar	Oberweis	Weaver
Forby	Martinez	Radogno	Mr. President
Haine	McCann	Raoul	

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

On motion of Senator Connelly, **House Bill No. 4999** 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 56; NAYS None.

The following voted in the affirmative:

Althoff Barickman Bennett Biss Bivins Brady Bush Clayborne Connelly Cullerton, T.	Harris Hastings Holmes Hunter Hutchinson Jones, E. Koehler Landek Lightford Link	McConchie McConnaughay McGuire Morrison Mulroe Muñoz Murphy, L. Murphy, M. Noland Nybo	Rose Sandoval Silverstein Stadelman Steans Sullivan Syverson Trotter Van Pelt Weaver
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	0		
Cunningham	Luechtefeld	Oberweis	Mr. President
Delgado	Manar	Radogno	
Forby	Martinez	Raoul	
Haine	McCann	Rezin	
Harmon	McCarter	Righter	

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

On motion of Senator Harris, **House Bill No. 4606** 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 36; NAYS 16.

The following voted in the affirmative:

Hastings

McConnaughay

Silverstein

[May 24, 2016]

Bennett

Hunter	McGuire	Steans
Hutchinson	Morrison	Sullivan
Jones, E.	Mulroe	Trotter
Koehler	Muñoz	Van Pelt
Landek	Murphy, L.	Mr. President
Lightford	Noland	
Link	Raoul	
Manar	Rezin	
Martinez	Sandoval	
	Hutchinson Jones, E. Koehler Landek Lightford Link Manar	Hutchinson Morrison Jones, E. Mulroe Koehler Muñoz Landek Murphy, L. Lightford Noland Link Raoul Manar Rezin

The following voted in the negative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 5017** 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 37; NAYS 10.

The following voted in the affirmative:

Biss	Koehler	Mulroe	Stadelman
Clayborne	Landek	Muñoz	Steans
Cunningham	Lightford	Noland	Sullivan
Delgado	Link	Nybo	Trotter
Harmon	Manar	Oberweis	Van Pelt
Harris	Martinez	Radogno	Weaver
Hastings	McCann	Raoul	Mr. President
Hunter	McConchie	Righter	
Hutchinson	McGuire	Sandoval	
Jones, E.	Morrison	Silverstein	
The following voted	l in the negative:		

Barickman	Connelly	Murphy, M.	Syverson
Bivins	Haine	Rezin	
Brady	Luechtefeld	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 Hastings, **House Bill No. 5402** 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 Barickman Bennett	Harmon Harris Haatings	McCann McCarter McConchie	Rezin Righter Rose
Biss	Hastings Holmes	McConnaughay	Sandoval
Bivins	Hunter	McGuire	Silverstein
Brady	Hutchinson	Morrison	Stadelman
Bush	Jones, E.	Mulroe	Steans
Clayborne	Koehler	Muñoz	Sullivan
Connelly	Landek	Murphy, M.	Syverson
Cullerton, T.	Lightford	Noland	Trotter
Cunningham	Link	Nybo	Van Pelt
Delgado	Luechtefeld	Oberweis	Weaver
Forby	Manar	Radogno	Mr. President
Haine	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.

On motion of Senator Sullivan, **House Bill No. 5529** 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 8.

The following voted in the affirmative:

Barickman	Hastings	McCann	Silverstein
Bennett	Holmes	McConnaughay	Steans
Biss	Hunter	McGuire	Sullivan
Bush	Hutchinson	Morrison	Syverson
Clayborne	Jones, E.	Mulroe	Trotter
Connelly	Koehler	Muñoz	Van Pelt
Cunningham	Landek	Murphy, L.	Weaver
Delgado	Lightford	Murphy, M.	Mr. President
Forby	Link	Noland	
Haine	Luechtefeld	Radogno	
Harmon	Manar	Raoul	
Harris	Martinez	Sandoval	

The following voted in the negative:

Althoff	Nybo	Righter
McCarter	Oberweis	Rose
McConchie	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Van Pelt, **House Bill No. 5530** 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	Harmon	McCann	Raoul
Barickman	Harris	McCarter	Rezin
Bennett	Hastings	McConchie	Rose
Biss	Holmes	McConnaughay	Sandoval
Bivins	Hunter	McGuire	Silverstein
Brady	Hutchinson	Morrison	Stadelman
Bush	Jones, E.	Mulroe	Steans
Clayborne	Koehler	Muñoz	Sullivan
Connelly	Landek	Murphy, L.	Syverson
Cullerton, T.	Lightford	Murphy, M.	Trotter
Cunningham	Link	Noland	Van Pelt
Delgado	Luechtefeld	Nybo	Weaver
Forby	Manar	Oberweis	Mr. President
Haine	Martinez	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 OF THE SENATE A SECOND TIME

On motion of Senator E. Jones III, **Senate Bill No. 2428** having been printed, was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT FOR MAY 25, 2016

The Chair announced the following committee to meet at 10:30 o'clock a.m.:

Energy and Public Utilities in Room 212

LEGISLATIVE MEASURES FILED

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

Committee Amendment No. 1 to House Bill 1646 Committee Amendment No. 1 to House Bill 3554

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

Floor Amendment No. 1 to House Bill 2643

At the hour of 2:40 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, May 25, 2016, at 12:00 o'clock noon.