



Human Services Committee

Filed: 3/12/2008

09500HB5059ham001

LRB095 18105 NHT 47995 a

1 AMENDMENT TO HOUSE BILL 5059

2 AMENDMENT NO. _____. Amend House Bill 5059 as follows:

3 on page 1, lines 5 and 6, by replacing "Sections 6.5 and 6.10"
4 with "Section 6.5"; and

5 on page 6, immediately below line 14, by inserting the
6 following:

7 "Notwithstanding any other rulemaking authority that may
8 exist, neither the Governor nor any agency or agency head under
9 the jurisdiction of the Governor has any authority to make or
10 promulgate rules to implement or enforce the provisions of this
11 amendatory Act of the 95th General Assembly. If, however, the
12 Governor believes that rules are necessary to implement or
13 enforce the provisions of this amendatory Act of the 95th
14 General Assembly, the Governor may suggest rules to the General
15 Assembly by filing them with the Clerk of the House and the
16 Secretary of the Senate and by requesting that the General

1 Assembly authorize such rulemaking by law, enact those
2 suggested rules into law, or take any other appropriate action
3 in the General Assembly's discretion. Nothing contained in this
4 amendatory Act of the 95th General Assembly shall be
5 interpreted to grant rulemaking authority under any other
6 Illinois statute where such authority is not otherwise
7 explicitly given. For the purposes of this amendatory Act of
8 the 95th General Assembly, "rules" is given the meaning
9 contained in Section 1-70 of the Illinois Administrative
10 Procedure Act, and "agency" and "agency head" are given the
11 meanings contained in Sections 1-20 and 1-25 of the Illinois
12 Administrative Procedure Act to the extent that such
13 definitions apply to agencies or agency heads under the
14 jurisdiction of the Governor."; and

15 on page 6, by replacing lines 19 and 20 with the following:

16 "year, the Department shall"; and

17 on page 7, line 4, after "institution;", by inserting "and";

18 and

19 on page 7, by deleting lines 5 and 6; and

20 on page 7, line 7, by replacing "(4)" with "(3)"; and

21 on page 8, by deleting lines 3 and 4; and

1 on page 9, immediately below line 24, by inserting the
2 following:

3 "(f) Notwithstanding any other rulemaking authority that
4 may exist, neither the Governor nor any agency or agency head
5 under the jurisdiction of the Governor has any authority to
6 make or promulgate rules to implement or enforce the provisions
7 of this amendatory Act of the 95th General Assembly. If,
8 however, the Governor believes that rules are necessary to
9 implement or enforce the provisions of this amendatory Act of
10 the 95th General Assembly, the Governor may suggest rules to
11 the General Assembly by filing them with the Clerk of the House
12 and the Secretary of the Senate and by requesting that the
13 General Assembly authorize such rulemaking by law, enact those
14 suggested rules into law, or take any other appropriate action
15 in the General Assembly's discretion. Nothing contained in this
16 amendatory Act of the 95th General Assembly shall be
17 interpreted to grant rulemaking authority under any other
18 Illinois statute where such authority is not otherwise
19 explicitly given. For the purposes of this amendatory Act of
20 the 95th General Assembly, "rules" is given the meaning
21 contained in Section 1-70 of the Illinois Administrative
22 Procedure Act, and "agency" and "agency head" are given the
23 meanings contained in Sections 1-20 and 1-25 of the Illinois
24 Administrative Procedure Act to the extent that such
25 definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor."; and

2 by replacing line 25 on page 9 through line 12 on page 10 with
3 the following:

4 "Section 10. The Nurse Practice Act is amended by changing
5 Section 70-50 as follows:

6 (225 ILCS 65/70-50) (was 225 ILCS 65/20-40)

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

8 Sec. 70-50. Fund.

9 (a) There is hereby created within the State Treasury the
10 Nursing Dedicated and Professional Fund. The monies in the Fund
11 may be used by and at the direction of the Department for the
12 administration and enforcement of this Act, including but not
13 limited to:

14 (1) Distribution and publication of this Act and rules.

15 (2) Employment of secretarial, nursing,
16 administrative, enforcement, and other staff for the
17 administration of this Act.

18 (b) Disposition of fees:

19 (1) \$5 of every licensure fee shall be placed in a fund
20 for assistance to nurses enrolled in a diversionary program
21 as approved by the Department.

22 (2) All of the fees, fines, and penalties collected
23 pursuant to this Act shall be deposited in the Nursing

1 Dedicated and Professional Fund.

2 (3) Each fiscal year, the moneys deposited in the
3 Nursing Dedicated and Professional Fund shall be
4 appropriated to the Department for expenses of the
5 Department and the Board in the administration of this Act.
6 All earnings received from investment of moneys in the
7 Nursing Dedicated and Professional Fund shall be deposited
8 in the Nursing Dedicated and Professional Fund and shall be
9 used for the same purposes as fees deposited in the Fund.

10 (4) For the fiscal year beginning July 1, 2008 ~~2004~~ and
11 for each fiscal year thereafter, \$2,000,000 ~~\$1,200,000~~ of
12 the moneys deposited in the Nursing Dedicated and
13 Professional Fund each year shall be set aside and
14 appropriated to the Department of Public Health for nursing
15 scholarships awarded pursuant to the Nursing Education
16 Scholarship Law. Representatives of the Department and the
17 Nursing Education Scholarship Program Advisory Council
18 shall review this requirement and the scholarship awards
19 every 2 years.

20 (5) Moneys in the Fund may be transferred to the
21 Professions Indirect Cost Fund as authorized under Section
22 2105-300 of the Department of Professional Regulation Law
23 (20 ILCS 2105/2105-300).

24 (f) Moneys set aside for nursing scholarships awarded
25 pursuant to the Nursing Education Scholarship Law as provided
26 in item (iv) of subsection (e) of this Section may not be

1 transferred under Section 8h of the State Finance Act.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07.)".