



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

131ST LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 28, 2012

10:10 O'CLOCK A.M.

NO. 131

[November 28, 2012]

SENATE
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131st Legislative Day

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The Senate met pursuant to adjournment.
 Senator Don Harmon, Oak Park, Illinois, presiding.
 Prayer by Reverend Walt DeMoss, St. Paul Lutheran Church, Oswego, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, May 30, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, May 31, 2012, was being read when on motion of , further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, June 18, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Tuesday, November 27, 2012, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 992

Offered by Senator Link and all Senators:
 Mourns the death of Veronica B. Lenzini of Kenosha, Wisconsin, formerly of North Chicago.

SENATE RESOLUTION NO. 993

Offered by Senator Link and all Senators:
 Mourns the death of Janet M. Cesar of Waukegan.

SENATE RESOLUTION NO. 994

Offered by Senator Link and all Senators:
 Mourns the death of Robert S. Anderson of Waukegan.

SENATE RESOLUTION NO. 995

Offered by Senator Link and all Senators:
 Mourns the death of John Zeit.

SENATE RESOLUTION NO. 996

Offered by Senator Link and all Senators:
 Mourns the death of Leonard H. Pawlowski of Libertyville.

SENATE RESOLUTION NO. 997

Offered by Senator Link and all Senators:
 Mourns the death of Valentine G. Lazzaretto of Lake Forest.

SENATE RESOLUTION NO. 998

Offered by Senator Link and all Senators:
 Mourns the death of John "Jack" Serdar of Zion.

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

MOTIONS IN WRITING

[November 28, 2012]

Senator Forby submitted the following Motions in Writing:

I move that the item on page 21, line 22, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 36, line 7, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 2, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 4, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 6, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 7, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 8, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 10, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 11, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 12, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 13, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 62, line 14, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

[November 28, 2012]

s/Gary Forby 11-28-12

I move that the item on page 62, line 15, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 9, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 11, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 13, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 14, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 15, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 17, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 18, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 19, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 21, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

I move that the item on page 63, line 22, of Senate Bill 2474 be restored, notwithstanding the item reduction of the Governor.

s/Gary Forby 11-28-12

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendment 2 to Senate Bill 1566

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

November 28, 2012

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

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Terry Link to temporarily replace Senator James Clayborne a member of the Senate Committee on Assignments. In addition, I hereby appoint Senator Don Harmon to temporarily serve as Chairman of the Committee on Assignments. These appointments will automatically expire upon adjournment of the Senate Committee on Assignments..

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

cc: Senate Minority Leader Christine Radogno

Senator Trotter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 10:27 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 11:19 o'clock a.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

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:

Senate Floor Amendment No. 3 to Senate Bill 2936

[November 28, 2012]

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

Senate Committee Amendment No. 1 to House Bill 2065
Senate Committee Amendment No. 1 to House Bill 5151

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

Senate Floor Amendment No. 2 to House Bill 1957

At the hour of 11:20 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 11:36 o'clock a.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Committee Amendment No. 1 to House Bill 5151.**

Insurance: **Senate Committee Amendment No. 1 to House Bill 2065.**

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported that the Committee recommends that **Floor Amendment No. 2 to Senate Bill No. 282** be re-referred from the Committee on Executive to the Committee on Assignments.

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported that the Committee recommends that **Floor Amendments numbered 1 and 2 to Senate Bills No. 1076 and Floor Amendment No. 1 to Senate Bill No. 2722** be re-referred from the Committee on Local Government to the Committee on Assignments.

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, to which was referred **Senate Bill No. 1566** on July 1, 2012, 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 **Senate Bill No. 1566** was returned to the order of concurrence.

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to Senate Bill 1076; Senate Floor Amendment No. 2 to Senate Bill 1076; Senate Floor Amendment No. 1 to Senate Bill 2722.**

[November 28, 2012]

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 2 to Senate Bill 282

Senate Floor Amendment No. 2 to House Bill 1957

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

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendment 2 to Senate Bill No. 1566

The foregoing concurrence was placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 1:00 o'clock p.m.:

Executive in Room 212

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Martinez, **Senate Bill No. 2936** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2936

AMENDMENT NO. 1. Amend Senate Bill 2936 by replacing everything after the enacting clause with the following:

"Section 5. The Dietetic and Nutrition Services Practice Act is amended by changing Section 15.5 as follows:

(225 ILCS 30/15.5)

(Section scheduled to be repealed on January 1, 2013)

Sec. 15.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice dietetics or nutrition services without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to ~~the~~ the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 92-642, eff. 10-31-03.)"

Senate Floor Amendment No. 2 was held in the Committee on Licensed Activities.

Senate Floor Amendment No. 3 was referred to the Committee on Assignments earlier today.

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

[November 28, 2012]

On motion of Senator Martinez, **Senate Bill No. 1540** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1540

AMENDMENT NO. 1. Amend Senate Bill 1540 by replacing everything after the enacting clause with the following:

"Section 1. Findings; purpose; text and revisory changes; validation; additional material.

(a) The Illinois Supreme Court, in *Lebron v. Gottlieb Memorial Hospital*, found that the limitations on noneconomic damages in medical malpractice actions that were created in Public Act 94-677, contained in Section 2-1706.5 of the Code of Civil Procedure, violate the separation of powers clause of the Illinois Constitution. Because Public Act 94-677 contained an inseverability provision, the Court held the Act to be void in its entirety. The Court emphasized, however, that "because the other provisions contained in Public Act 94-677 are deemed invalid solely on inseverability grounds, the legislature remains free to reenact any provisions it deems appropriate".

(b) It is the purpose of this Act to reenact certain provisions of Public Act 94-677 that did not involve limitations on noneconomic damages in medical malpractice actions, to validate certain actions taken in reliance on those provisions, and to make certain additional changes to the statutes.

(c) This Act reenacts Sections 7, 22, 23, 24, 24.1, and 36 of the Medical Practice Act of 1987. This Act does not reenact any other provisions of Public Act 94-677.

In this Act, the base text of the reenacted Sections includes the text as it existed at the time of the Supreme Court's decision, including any amendments that occurred after P.A. 94-677, and also includes amendments that occurred after the decision. Striking and underscoring is used only to show the changes being made by this Act to that base text.

(d) All otherwise lawful actions taken in reasonable reliance on or pursuant to the Sections reenacted by this Act, as set forth in Public Act 94-677 or subsequently amended, by any officer, employee, agency, or unit of State or local government or by any other person or entity, are hereby validated. The actions include, but are not limited to, disciplinary actions, establishment of the physicians profile under Section 24.1, and adoption of administrative rules under the Illinois Administrative Procedure Act.

With respect to actions taken in relation to matters arising under the Sections reenacted by this Act, a person is rebuttably presumed to have acted in reasonable reliance on and pursuant to the provisions of Public Act 94-677, as those provisions had been amended at the time the action was taken.

With respect to their administration of matters arising under the Sections reenacted by this Act, officers, employees, agencies, and units of State and local government shall continue to apply the provisions of Public Act 94-677, as those provisions had been amended at the relevant time.

(e) This Act also contains material making new substantive changes.

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.21 and 4.31 as follows:

(5 ILCS 80/4.21)

Sec. 4.21. Acts repealed on January 1, 2011 ~~and November 30, 2011.~~ (a) The following Acts are repealed on January 1, 2011: The Fire Equipment Distributor and Employee Regulation Act of 2000. (b) ~~The following Act is repealed on November 30, 2011: The Medical Practice Act of 1987.~~

(Source: P.A. 96-1041, eff. 7-14-10; 96-1492, eff. 12-30-10.)

(5 ILCS 80/4.31)

Sec. 4.31. ~~Acts~~ Act repealed on January 1, 2021. The following Acts ~~are~~ Act is repealed on January 1, 2021:

The Crematory Regulation Act.

The Cemetery Oversight Act.

The Illinois Health Information Exchange and Technology Act.

The Medical Practice Act of 1987.

The Radiation Protection Act of 1990.

(Source: P.A. 96-1041, eff. 7-14-10; 96-1331, eff. 7-27-10; incorporates P.A. 96-863, eff. 3-1-10; revised 9-9-10.)

Section 10. The Medical Practice Act of 1987 is amended by changing Sections 2, 3.5, 4, 7.5, 8, 8.1, 9, 9.7, 11, 15, 17, 18, 19, 20, 21, 25, 26, 33, 35, 37, 38, 40, 41, 42, 43, 44, 47, 54, 54.2, 59, and 61, by reenacting and changing Sections 7, 22, and 23, by reenacting Sections 24, 24.1, and 36 as follows:

[November 28, 2012]

(225 ILCS 60/2) (from Ch. 111, par. 4400-2)

(Section scheduled to be repealed on November 30, 2011)

Sec. 2. Definitions. For purposes of this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

1. "Act" means the Medical Practice Act of 1987.

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

"Chiropractic physician" means a person licensed to treat human ailments without the use of drugs and without operative surgery. Nothing in this Act shall be construed to prohibit a chiropractic physician from providing advice regarding the use of non-prescription products or from administering atmospheric oxygen. Nothing in this Act shall be construed to authorize a chiropractic physician to prescribe drugs.

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

~~3. "Director" means the Director of Professional Regulation.~~

4. "Disciplinary Action" means revocation, suspension, probation, supervision, practice modification, reprimand, required education, fines or any other action taken by the Department against a person holding a license.

5. "Disciplinary Board" means the Medical Disciplinary Board.

6. "Final Determination" means the governing body's final action taken under the procedure followed by a health care institution, or professional association or society, against any person licensed under the Act in accordance with the bylaws or rules and regulations of such health care institution, or professional association or society.

7. "Fund" means the Medical Disciplinary Fund.

8. "Impaired" means the inability to practice medicine with reasonable skill and safety due to physical or mental disabilities as evidenced by a written determination or written consent based on clinical evidence including deterioration through the aging process or loss of motor skill, or abuse of drugs or alcohol, of sufficient degree to diminish a person's ability to deliver competent patient care.

9. "Licensing Board" means the Medical Licensing Board.

~~10. "Physician" means a person licensed under the Medical Practice Act to practice medicine in all of its branches or a chiropractic physician licensed to treat human ailments without the use of drugs and without operative surgery.~~

11. "Professional Association" means an association or society of persons licensed under this Act, and operating within the State of Illinois, including but not limited to, medical societies, osteopathic organizations, and chiropractic organizations, but this term shall not be deemed to include hospital medical staffs.

12. "Program of Care, Counseling, or Treatment" means a written schedule of organized treatment, care, counseling, activities, or education, satisfactory to the Disciplinary Board, designed for the purpose of restoring an impaired person to a condition whereby the impaired person can practice medicine with reasonable skill and safety of a sufficient degree to deliver competent patient care.

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

(Source: P.A. 85-1209; 85-1245; 85-1440.)

(225 ILCS 60/3.5)

(Section scheduled to be repealed on November 30, 2011)

Sec. 3.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a physician without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed ~~\$10,000~~ ~~\$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 60/4) (from Ch. 111, par. 4400-4)

(Section scheduled to be repealed on November 30, 2011)

Sec. 4. Exemptions. ~~(a)~~ This Act does not apply to the following:

[November 28, 2012]

- (1) persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of this State;
 - (2) persons rendering gratuitous services in cases of emergency; or
 - (3) persons treating human ailments by prayer or spiritual means as an exercise or enjoyment of religious freedom; ~~or~~
 - (4) ~~persons practicing the specified occupations set forth in in subsection (a) of, and pursuant to a licensing exemption granted in subsection (b) or (d) of, Section 2105-350 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, but only for so long as the 2016 Olympic and Paralympic Games Professional Licensure Exemption Law is operable.~~
- (b) (Blank).

(Source: P.A. 96-7, eff. 4-3-09.)

(225 ILCS 60/7) (from Ch. 111, par. 4400-7)

(Section scheduled to be repealed on November 30, 2011)

(Text of Section WITH the changes made by P.A. 94-677, which has been held unconstitutional)

Sec. 7. Medical Disciplinary Board.

(A) There is hereby created the Illinois State Medical Disciplinary Board (~~hereinafter referred to as the "Disciplinary Board"~~). The Disciplinary Board shall consist of 11 members, to be appointed by the Governor by and with the advice and consent of the Senate. All members shall be residents of the State, not more than 6 of whom shall be members of the same political party. All members shall be voting members. Five members shall be physicians licensed to practice medicine in all of its branches in Illinois possessing the degree of doctor of medicine, ~~and it shall be the goal that at least one of the members practice in the field of neurosurgery, one of the members practice in the field of obstetrics and gynecology, and one of the members practice in the field of cardiology.~~ One member shall be a physician licensed to practice medicine in all its branches in Illinois possessing the degree of doctor of osteopathy or osteopathic medicine. One member shall be a chiropractic physician licensed to practice in Illinois and possessing the degree of doctor of chiropractic. Four members shall be members of the public, who shall not be engaged in any way, directly or indirectly, as providers of health care.

(B) Members of the Disciplinary Board shall be appointed for terms of 4 years. Upon the expiration of the term of any member, their successor shall be appointed for a term of 4 years by the Governor by and with the advice and consent of the Senate. The Governor shall fill any vacancy for the remainder of the unexpired term ~~by and~~ with the advice and consent of the Senate. Upon recommendation of the Board, any member of the Disciplinary Board may be removed by the Governor for misfeasance, malfeasance, or wilful neglect of duty, after notice, and a public hearing, unless such notice and hearing shall be expressly waived in writing. Each member shall serve on the Disciplinary Board until their successor is appointed and qualified. No member of the Disciplinary Board shall serve more than 2 consecutive 4 year terms.

In making appointments the Governor shall attempt to insure that the various social and geographic regions of the State of Illinois are properly represented.

In making the designation of persons to act for the several professions represented on the Disciplinary Board, the Governor shall give due consideration to recommendations by members of the respective professions and by organizations therein.

(C) The Disciplinary Board shall annually elect one of its voting members as chairperson and one as vice chairperson. No officer shall be elected more than twice in succession to the same office. Each officer shall serve until their successor has been elected and qualified.

(D) (Blank).

(E) Six voting members of the Disciplinary Board, at least 4 of whom are physicians, shall constitute a quorum. A vacancy in the membership of the Disciplinary Board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the Disciplinary Board. Any action taken by the Disciplinary Board under this Act may be authorized by resolution at any regular or special meeting and each such resolution shall take effect immediately. The Disciplinary Board shall meet at least quarterly. The Disciplinary Board is empowered to adopt all rules and regulations necessary and incident to the powers granted to it under this Act.

(F) Each member, and member-officer, of the Disciplinary Board shall receive a per diem stipend as the Secretary of the Department, ~~hereinafter referred to as the Secretary,~~ shall determine. ~~The Secretary shall also determine the per diem stipend that each ex-officio member shall receive.~~ Each member shall be paid their necessary expenses while engaged in the performance of their duties.

(G) The Secretary shall select a Chief Medical Coordinator and not less than 2 Deputy Medical Coordinators who shall not be members of the Disciplinary Board. Each medical coordinator shall be a physician licensed to practice medicine in all of its branches, and the Secretary shall set their rates of

compensation. The Secretary shall assign at least one medical coordinator to a region composed of Cook County and such other counties as the Secretary may deem appropriate, and such medical coordinator or coordinators shall locate their office in Chicago. The Secretary shall assign at least one medical coordinator to a region composed of the balance of counties in the State, and such medical coordinator or coordinators shall locate their office in Springfield. Each medical coordinator shall be the chief enforcement officer of this Act in his or her assigned region and shall serve at the will of the Disciplinary Board.

The Secretary shall employ, in conformity with the Personnel Code, not less than one full time investigator for every 2,500 physicians licensed in the State. Each investigator shall be a college graduate with at least 2 years of years' investigative experience or one year advanced medical education. Upon the written request of the Disciplinary Board, the Secretary shall employ, in conformity with the Personnel Code, such other professional, technical, investigative, and clerical help, either on a full or part-time basis as the Disciplinary Board deems necessary for the proper performance of its duties.

(H) Upon the specific request of the Disciplinary Board, signed by either the chairperson chairman, vice chairperson chairman, or a medical coordinator of the Disciplinary Board, the Department of Human Services or the Department of State Police shall make available any and all information that they have in their possession regarding a particular case then under investigation by the Disciplinary Board.

(I) Members of the Disciplinary Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Disciplinary Board.

(J) The Disciplinary Board may compile and establish a statewide roster of physicians and other medical professionals, including the several medical specialties, of such physicians and medical professionals, who have agreed to serve from time to time as advisors to the medical coordinators. Such advisors shall assist the medical coordinators or the Disciplinary Board in their investigations and participation in complaints against physicians. Such advisors shall serve under contract and shall be reimbursed at a reasonable rate for the services provided, plus reasonable expenses incurred. While serving in this capacity, the advisor, for any act undertaken in good faith and in the conduct of his or her ~~their~~ duties under this Section, shall be immune from civil suit.

(Source: P.A. 93-138, eff. 7-10-03; 94-677, eff. 8-25-05.)

(225 ILCS 60/7.5)

(Section scheduled to be repealed on November 30, 2011)

Sec. 7.5. Complaint Committee.

(a) There shall be a Complaint Committee of the Disciplinary Board composed of at least one of the medical coordinators established by subsection (G) ~~(g)~~ of Section 7 of this Act, the Chief of Medical Investigations (person employed by the Department who is in charge of investigating complaints against physicians and physician assistants), and at least 3 voting members of the Disciplinary Board (at least 2 of whom shall be physicians) designated by the Chairperson Chairman of the ~~Medical~~ Disciplinary Board with the approval of the Disciplinary Board. The Disciplinary Board members so appointed shall serve one-year terms and may be eligible for reappointment for subsequent terms.

(b) The Complaint Committee shall meet at least twice a month to exercise its functions and duties set forth in subsection (c) below. At least 2 members of the Disciplinary Board shall be in attendance in order for any business to be transacted by the Complaint Committee. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

(c) The Complaint Committee shall have the following duties and functions:

(1) To recommend to the Disciplinary Board that a complaint file be closed.

(2) To refer a complaint file to the office of the Chief of Medical Prosecutions (person employed by the Department who is in charge of prosecuting formal complaints against licensees) for review.

(3) To make a decision in conjunction with the Chief of Medical Prosecutions regarding action to be taken on a complaint file.

(d) In determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider, but not be limited to, the following factors: sufficiency of the evidence presented, prosecutorial merit under Section 22 of this Act, any recommendation made by the Department, and insufficient cooperation from complaining parties.

(Source: P.A. 93-214, eff. 1-1-04.)

(225 ILCS 60/8) (from Ch. 111, par. 4400-8)

(Section scheduled to be repealed on November 30, 2011)

Sec. 8. Medical Licensing Board.

(A) There is hereby created a Medical Licensing Board (~~hereinafter referred to as the "Licensing Board"~~). The Licensing Board shall be composed of 7 members, to be appointed by the Governor by and

[November 28, 2012]

with the advice and consent of the Senate; 5 of whom shall be reputable physicians licensed to practice medicine in all of its branches in Illinois, possessing the degree of doctor of medicine; one member shall be a reputable physician licensed in Illinois to practice medicine in all of its branches, possessing the degree of doctor of osteopathy or osteopathic medicine; and one member shall be a reputable chiropractic physician licensed to practice in Illinois and possessing the degree of doctor of chiropractic. Of the 5 members holding the degree of doctor of medicine, one shall be a full-time or part-time teacher of professorial rank in the clinical department of an Illinois school of medicine.

(B) Members of the Licensing Board shall be appointed for terms of 4 years, and until their successors are appointed and qualified. Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. No more than 4 members of the Licensing Board shall be members of the same political party and all members shall be residents of this State. No member of the Licensing Board may be appointed to more than 2 successive 4 year terms. ~~This limitation shall only apply to individuals appointed to the Licensing Board after the effective date of this Act.~~

(C) Members of the Licensing Board shall be immune from suit in any action based upon any licensing proceedings or other acts performed in good faith as members of the Licensing Board.

(D) (Blank).

(E) The Licensing Board shall annually elect one of its members as chairperson and one as vice chairperson. No member shall be elected more than twice in succession to the same office. Each officer shall serve until his or her ~~their~~ successor has been elected and qualified.

(F) None of the functions, powers or duties of the Department with respect to policies regarding licensure and examination under this Act, including the promulgation of such rules as may be necessary for the administration of this Act, shall be exercised by the Department except upon review of the Licensing Board.

(G) The Licensing Board shall receive the same compensation as the members of the ~~Medical~~ Disciplinary Board, which compensation shall be paid out of the Illinois State Medical Disciplinary Fund.

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

(225 ILCS 60/8.1)

(Section scheduled to be repealed on November 30, 2011)

Sec. 8.1. Matters concerning advanced practice nurses. Any proposed rules, amendments, second notice materials and adopted rule or amendment materials, and policy statements concerning advanced practice nurses shall be presented to the ~~Medical~~ Licensing Board for review and comment. The recommendations of both the Board of Nursing and the ~~Medical~~ Licensing Board shall be presented to the Secretary for consideration in making final decisions. Whenever the Board of Nursing and the ~~Medical~~ Licensing Board disagree on a proposed rule or policy, the Secretary shall convene a joint meeting of the officers of each Board to discuss the resolution of any such disagreements.

(Source: P.A. 95-639, eff. 10-5-07.)

(225 ILCS 60/9) (from Ch. 111, par. 4400-9)

(Section scheduled to be repealed on November 30, 2011)

Sec. 9. Application for license. Each applicant for a license shall:

(A) Make application on blank forms prepared and furnished by the Department ~~of Professional Regulation hereinafter referred to as the Department.~~

(B) Submit evidence satisfactory to the Department that the applicant:

(1) is of good moral character. In determining moral character under this Section,

the Department may take into consideration whether the applicant has engaged in conduct or activities which would constitute grounds for discipline under this Act. The Department may also request the applicant to submit, and may consider as evidence of moral character, endorsements from 2 or 3 individuals licensed under this Act;

(2) has the preliminary and professional education required by this Act;

(3) (blank); and

(4) is physically, mentally, and professionally capable of practicing medicine with reasonable judgment, skill, and safety. In determining physical, mental and professional capacity under this Section, the ~~Medical~~ Licensing Board may, upon a showing of a possible incapacity or conduct or activities that would constitute grounds for discipline under this Act, compel any applicant to submit to a mental or physical examination and evaluation, or both, as provided for in Section 22 of this Act. The Licensing Board may condition or restrict any license, subject to the same terms and conditions as are provided for the ~~Medical~~ Disciplinary Board under Section 22 of this Act. Any such condition of a restricted license shall provide that the Chief Medical Coordinator

or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients.

In determining professional capacity under this Section, ~~an any individual who has not been actively engaged in the practice of medicine or as a medical, osteopathic, or chiropractic student or who has not been engaged in a formal program of medical education during the 2 years immediately preceding their application~~ may be required to

complete such additional testing, training, or remedial education as the Licensing Board may deem necessary in order to establish the applicant's present capacity to practice medicine with reasonable judgment, skill, and safety. The Licensing Board may consider the following criteria, as they relate to an applicant, as part of its determination of professional capacity:

(1) Medical research in an established research facility, hospital, college or university, or private corporation.

(2) Specialized training or education.

(3) Publication of original work in learned, medical, or scientific journals.

(4) Participation in federal, State, local, or international public health programs or organizations.

(5) Professional service in a federal veterans or military institution.

(6) Any other professional activities deemed to maintain and enhance the clinical capabilities of the applicant.

Any applicant applying for a license to practice medicine in all of its branches or for a license as a chiropractic physician who has not been engaged in the active practice of medicine or has not been enrolled in a medical program for 2 years prior to application must submit proof of professional capacity to the Licensing Board.

Any applicant applying for a temporary license that has not been engaged in the active practice of medicine or has not been enrolled in a medical program for longer than 5 years prior to application must submit proof of professional capacity to the Licensing Board.

(C) Designate specifically the name, location, and kind of professional school, college, or institution of which the applicant is a graduate and the category under which the applicant seeks, and will undertake, to practice.

(D) Pay to the Department at the time of application the required fees.

(E) Pursuant to Department rules, as required, pass an examination authorized by the Department to determine the applicant's fitness to receive a license.

(F) Complete the application process within 3 years from the date of application. If the process has not been completed within 3 years, the application shall ~~expire~~ ~~be denied~~, application fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-387, eff. 8-20-95; 89-702, eff. 7-1-97.)

(225 ILCS 60/9.7)

(Section scheduled to be repealed on November 30, 2011)

Sec. 9.7. Criminal history records background check. Each applicant for licensure or permit under Sections 9, 18, and 19 shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a Department designated or approved vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section. The Department shall require an applicant for a license under Section 19 of this Act to undergo a criminal background check. The Department shall adopt rules to implement this Section.

(Source: P.A. 90-722, eff. 1-1-99.)

(225 ILCS 60/11) (from Ch. 111, par. 4400-11)

(Section scheduled to be repealed on November 30, 2011)

Sec. 11. Minimum education standards. The minimum standards of professional education to be

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enforced by the Department in conducting examinations and issuing licenses shall be as follows:

(A) Practice of medicine. For the practice of medicine in all of its branches:

(1) For applications for licensure under subsection (D) of Section 19 of this Act:

(a) that the applicant is a graduate of a medical or osteopathic college in the United States, its territories or Canada, that the applicant has completed a 2 year course of instruction in a college of liberal arts, or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department or by a private, not for profit accrediting body approved by the Department, and in addition thereto, a course of postgraduate clinical training of not less than 12 months as approved by the Department; or

(b) that the applicant is a graduate of a medical or osteopathic college located outside the United States, its territories or Canada, and that the degree conferred is officially recognized by the country for the purposes of licensure, that the applicant has completed a 2 year course of instruction in a college of liberal arts or its equivalent, and a course of instruction in a medical or osteopathic college approved by the Department, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months, and, in addition thereto, has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

For the purposes of this subparagraph (b) an applicant is considered to be a graduate of a medical college if the degree which is conferred is officially recognized by that country for the purposes of receiving a license to practice medicine in all of its branches or a document is granted by the medical college which certifies the completion of all formal training requirements including any internship and social service; or

(c) that the applicant has studied medicine at a medical or osteopathic college located outside the United States, its territories, or Canada, that the applicant has completed a 2 year course of instruction in a college of liberal arts or its equivalent and all of the formal requirements of a foreign medical school except internship and social service, which course shall have been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months; that the applicant has submitted an application to a medical college accredited by the Liaison Committee on Medical Education and submitted to such evaluation procedures, including use of nationally recognized medical student tests or tests devised by the individual medical college, and that the applicant has satisfactorily completed one academic year of supervised clinical training under the direction of such medical college; and, in addition thereto has completed a course of postgraduate clinical training of not less than 12 months, as approved by the Department, and has complied with any other standards established by rule.

(d) Any clinical clerkships must have been completed in compliance with Section 10.3 of the Hospital Licensing Act, as amended.

(2) Effective January 1, 1988, for applications for licensure made subsequent to January 1, 1988, under Sections 9 or 17 of this Act by individuals not described in paragraph (3) of subsection (A) of Section 11 who graduated after December 31, 1984:

(a) that the applicant: (i) graduated from a medical or osteopathic college officially recognized by the jurisdiction in which it is located for the purpose of receiving a license to practice medicine in all of its branches, and the applicant has completed, as defined by the Department, a 6 year postsecondary course of study comprising at least 2 academic years of study in the basic medical sciences; and 2 academic years of study in the clinical sciences, while enrolled in the medical college which conferred the degree, the core rotations of which must have been completed in clinical teaching facilities owned, operated or formally affiliated with the medical college which conferred the degree, or under contract in teaching facilities owned, operated or affiliated with another medical college which is officially recognized by the jurisdiction in which the medical school which conferred the degree is located; or (ii) graduated from a medical or osteopathic college accredited by the Liaison Committee on Medical Education, the Committee on Accreditation of Canadian Medical Schools in conjunction with the Liaison Committee on Medical Education, or the Bureau of Professional Education of the American Osteopathic Association; and, (iii) in addition thereto, has completed 24 months ~~a course of postgraduate clinical training of not less than 24 months~~, as approved by the Department; or

(b) that the applicant has studied medicine at a medical or osteopathic college located outside the United States, its territories, or Canada, that the applicant, in addition to satisfying the requirements of subparagraph (a), except for the awarding of a degree, has

completed all of the formal requirements of a foreign medical school except internship and social service and has submitted an application to a medical college accredited by the Liaison Committee on Medical Education and submitted to such evaluation procedures, including use of nationally recognized medical student tests or tests devised by the individual medical college, and that the applicant has satisfactorily completed one academic year of supervised clinical training under the direction of such medical college; and, in addition thereto, has completed 24 months a course of postgraduate clinical training of ~~not less than 24 months~~, as approved by the Department, and has complied with any other standards established by rule.

(3) (Blank).

(4) Any person granted a temporary license pursuant to Section 17 of this Act who shall satisfactorily complete a course of postgraduate clinical training and meet all of the requirements for licensure shall be granted a permanent license pursuant to Section 9.

(5) Notwithstanding any other provision of this Section an individual holding a temporary license under Section 17 of this Act shall be required to satisfy the undergraduate medical and post-graduate clinical training educational requirements in effect on the date of their application for a temporary license, provided they apply for a license under Section 9 of this Act and satisfy all other requirements of this Section while their temporary license is in effect.

(B) Treating human ailments without drugs and without operative surgery. For the practice of treating human ailments without the use of drugs and without operative surgery:

(1) For an applicant who was a resident student and who is a graduate after July 1, 1926, of a chiropractic college or institution, that such school, college or institution, at the time of the applicant's graduation required as a prerequisite to admission thereto a 4 year course of instruction in a high school, and, as a prerequisite to graduation therefrom, a course of instruction in the treatment of human ailments, of not less than 132 weeks in duration and which shall have been completed within a period of not less than 35 months except that as to students matriculating or entering upon a course of chiropractic study during the years 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947, such elapsed time shall be not less than 32 months, such high school and such school, college or institution having been reputable and in good standing in the judgment of the Department.

(2) For an applicant who is a matriculant in a chiropractic college after September 1, 1969, that such applicant shall be required to complete a 2 year course of instruction in a liberal arts college or its equivalent and a course of instruction in a chiropractic college in the treatment of human ailments, such course, as a prerequisite to graduation therefrom, having been not less than 132 weeks in duration and shall have been completed within a period of not less than 35 months, such college of liberal arts and chiropractic college having been reputable and in good standing in the judgment of the Department.

(3) For an applicant who is a graduate of a United States chiropractic college after August 19, 1981, the college of the applicant must be fully accredited by the Commission on Accreditation of the Council on Chiropractic Education or its successor at the time of graduation. Such graduates shall be considered to have met the minimum requirements which shall be in addition to those requirements set forth in the rules and regulations promulgated by the Department.

(4) For an applicant who is a graduate of a chiropractic college in another country; that such chiropractic college be equivalent to the standards of education as set forth for chiropractic colleges located in the United States.

(Source: P.A. 89-702, eff. 7-1-97; 90-818, eff. 3-23-99.)

(225 ILCS 60/15) (from Ch. 111, par. 4400-15)

(Section scheduled to be repealed on November 30, 2011)

Sec. 15. ~~Chiropractic physician~~ ~~Physician licensed to practice without drugs and operative surgery;~~ license for general practice. Any ~~chiropractic~~ physician licensed under this Act to ~~treat human ailments without the use of prescriptive drugs and operative surgery~~ shall be permitted to take the examination for licensure as a physician to practice medicine in all its branches and shall receive a license to practice medicine in all of its branches if he or she shall successfully pass such examination, upon proof of having successfully completed in a medical college, osteopathic college or chiropractic college reputable and in good standing in the judgment of the Department, courses of instruction in materia medica, therapeutics, surgery, obstetrics, and theory and practice deemed by the Department to be equal to the courses of instruction required in those subjects for admission to the examination for a license to practice medicine in all of its branches, together with proof of having completed (a) the 2 year course of instruction in a college of liberal arts, or its equivalent, required under this Act, and (b) a course of postgraduate clinical training of not less than 24 months as approved by the Department.

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

(225 ILCS 60/17) (from Ch. 111, par. 4400-17)

(Section scheduled to be repealed on November 30, 2011)

Sec. 17. Temporary license. Persons holding the degree of Doctor of Medicine, persons holding the degree of Doctor of Osteopathy or Doctor of Osteopathic Medicine, and persons holding the degree of Doctor of Chiropractic or persons who have satisfied the requirements therefor and are eligible to receive such degree from a medical, osteopathic, or chiropractic school, who wish to pursue programs of graduate or specialty training in this State, may receive without examination, in the discretion of the Department, a 3-year temporary license. In order to receive a 3-year temporary license hereunder, an applicant shall ~~submit evidence furnish~~ satisfactory ~~proof~~ to the Department that the applicant:

(A) Is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities which would constitute grounds for discipline under this Act. The Department may also request the applicant to submit, and may consider as evidence of moral character, endorsements from 2 or 3 individuals licensed under this Act;

(B) Has been accepted or appointed for specialty or residency training by a hospital situated in this State or a training program in hospitals or facilities maintained by the State of Illinois or affiliated training facilities which is approved by the Department for the purpose of such training under this Act. The applicant shall indicate the beginning and ending dates of the period for which the applicant has been accepted or appointed;

(C) Has or will satisfy the professional education requirements of Section 11 of this Act which are effective at the date of application except for postgraduate clinical training;

(D) Is physically, mentally, and professionally capable of practicing medicine or treating human ailments without the use of drugs ~~and without~~ ~~or~~ operative surgery with reasonable judgment, skill, and safety. In determining physical, mental and professional capacity under this Section, the ~~Medical~~ Licensing Board may, upon a showing of a possible incapacity, compel an applicant to submit to a mental or physical examination ~~and evaluation~~, or both, and may condition or restrict any temporary license, subject to the same terms and conditions as are provided for the ~~Medical~~ Disciplinary Board under Section 22 of this Act. Any such condition of restricted temporary license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients.

Three-year temporary licenses issued pursuant to this Section shall be valid only for the period of time designated therein, and may be extended or renewed pursuant to the rules of the Department, and if a temporary license is thereafter extended, it shall not extend beyond completion of the residency program. The holder of a valid 3-year temporary license shall be entitled thereby to perform only such acts as may be prescribed by and incidental to ~~his or her~~ ~~their~~ program of residency training; ~~he or she~~ ~~they~~ shall not be entitled to otherwise engage in the practice of medicine in this State unless fully licensed in this State.

A 3-year temporary license may be revoked by the Department upon proof that the holder thereof has engaged in the practice of medicine in this State outside of the program of ~~his or her~~ ~~their~~ residency or specialty training, or if the holder shall fail to supply the Department, within 10 days of its request, with information as to ~~his or her~~ ~~their~~ current status and activities in ~~his or her~~ ~~their~~ specialty training program.

(Source: P.A. 89-702, eff. 7-1-97; 90-54, eff. 7-3-97.)

(225 ILCS 60/18) (from Ch. 111, par. 4400-18)

(Section scheduled to be repealed on November 30, 2011)

Sec. 18. Visiting professor, physician, or resident permits.

(A) Visiting professor permit.

(1) A visiting professor permit shall entitle a person to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery provided:

(a) the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in ~~his or her~~ ~~their~~ native licensing jurisdiction during the period of the visiting professor permit;

(b) the person has received a faculty appointment to teach in a medical, osteopathic or chiropractic school in Illinois; and

(c) the Department may prescribe the information necessary to establish an applicant's eligibility for a permit. This information shall include without limitation (i) a statement from the dean of the medical school at which the applicant will be employed describing the applicant's qualifications and (ii) a statement from the dean of the medical school listing every affiliated institution in which the applicant will be providing instruction as part of the medical school's education program and justifying any clinical activities at each of the institutions listed by the dean.

(2) Application for visiting professor permits shall be made to the Department, in writing, on forms prescribed by the Department and shall be accompanied by the required fee established by rule, which shall not be refundable. Any application shall require the information as, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant.

(3) A visiting professor permit shall be valid for no longer than 2 years from the date of issuance or until the time the faculty appointment is terminated, whichever occurs first, and may be renewed only in accordance with subdivision (A)(6) of this Section.

(4) The applicant may be required to appear before the ~~Medical~~ Licensing Board for an interview prior to, and as a requirement for, the issuance of the original permit and the renewal.

(5) Persons holding a permit under this Section shall only practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery in the State of Illinois in their official capacity under their contract within the medical school itself and any affiliated institution in which the permit holder is providing instruction as part of the medical school's educational program and for which the medical school has assumed direct responsibility.

(6) ~~After the initial renewal of a visiting professor permit, a~~ ~~A~~ visiting professor permit shall be valid until the last day of the next physician

license renewal period, as set by rule, and may only be renewed for applicants who meet the following requirements:

(i) have obtained the required continuing education hours as set by rule; and

(ii) have paid the fee prescribed for a license under Section 21 of this Act.

For initial renewal, the visiting professor must successfully pass a general competency examination authorized by the Department by rule, unless he or she was issued an initial visiting professor permit on or after January 1, 2007, but prior to July 1, 2007.

(B) Visiting physician permit.

(1) The Department may, in its discretion, issue a temporary visiting physician permit, without examination, provided:

(a) (blank);

(b) that the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in his or her native licensing jurisdiction during the period of the temporary visiting physician permit;

(c) that the person has received an invitation or appointment to study, demonstrate, or perform a specific medical, osteopathic, chiropractic or clinical subject or technique in a medical, osteopathic, or chiropractic school, a state or national medical, osteopathic, or chiropractic professional association or society conference or meeting, a hospital licensed under the Hospital Licensing Act, a hospital organized under the University of Illinois Hospital Act, or a facility operated pursuant to the Ambulatory Surgical Treatment Center Act; and

(d) that the temporary visiting physician permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic, or clinical studies, or in conjunction with the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting, for which the holder was invited or appointed.

(2) The application for the temporary visiting physician permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by the required fee established by rule, which shall not be refundable. The application shall require information that, in the judgment of the Department, will enable the Department to pass on the qualification of the applicant, and the necessity for the granting of a temporary visiting physician permit.

(3) A temporary visiting physician permit shall be valid for no longer than (i) 180 days from the date of issuance or (ii) until the time the medical, osteopathic, chiropractic, or clinical studies are completed, or the state or national medical, osteopathic, or chiropractic professional association or society conference or meeting has concluded, whichever occurs first.

(4) The applicant for a temporary visiting physician permit may be required to appear before the ~~Medical~~ Licensing Board for an interview prior to, and as a requirement for, the issuance of a temporary visiting physician permit.

(5) A limited temporary visiting physician permit shall be issued to a physician licensed in another state who has been requested to perform emergency procedures in Illinois if he or she meets the requirements as established by rule.

(C) Visiting resident permit.

(1) The Department may, in its discretion, issue a temporary visiting resident permit, without examination, provided:

(a) (blank);

(b) that the person maintains an equivalent authorization to practice medicine in all of its branches or to practice the treatment of human ailments without the use of drugs and without operative surgery in good standing in his or her native licensing jurisdiction during the period of the temporary visiting resident permit;

(c) that the applicant is enrolled in a postgraduate clinical training program outside the State of Illinois that is approved by the Department;

(d) that the individual has been invited or appointed for a specific period of time to perform a portion of that post graduate clinical training program under the supervision of an Illinois licensed physician in an Illinois patient care clinic or facility that is affiliated with the out-of-State post graduate training program; and

(e) that the temporary visiting resident permit shall only permit the holder to practice medicine in all of its branches or practice the treatment of human ailments without the use of drugs and without operative surgery within the scope of the medical, osteopathic, chiropractic or clinical studies for which the holder was invited or appointed.

(2) The application for the temporary visiting resident permit shall be made to the Department, in writing, on forms prescribed by the Department, and shall be accompanied by the required fee established by rule. The application shall require information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant.

(3) A temporary visiting resident permit shall be valid for 180 days from the date of issuance or until the time the medical, osteopathic, chiropractic, or clinical studies are completed, whichever occurs first.

(4) The applicant for a temporary visiting resident permit may be required to appear before the ~~Medical~~ Licensing Board for an interview prior to, and as a requirement for, the issuance of a temporary visiting resident permit.

(Source: P.A. 95-915, eff. 8-26-08; 96-398, eff. 8-13-09.)

(225 ILCS 60/19) (from Ch. 111, par. 4400-19)

(Section scheduled to be repealed on November 30, 2011)

Sec. 19. Licensure ~~by endorsement without examination~~. The Department may, in its discretion, issue a license ~~by endorsement without examination~~ to any person who is currently licensed to practice medicine in all of its branches, or to practice the treatment of human ailments without the use of drugs ~~or without~~ operative surgery, in any other state, territory, country or province, upon the following conditions ~~and submitting evidence satisfactory to the Department of the following~~:

(A) (Blank);

(B) That the applicant is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities which would constitute grounds for discipline under this Act. The Department may also request the applicant to submit, and may consider as evidence of moral character, endorsements from 2 or 3 individuals licensed under this Act;

(C) That the applicant is physically, mentally and professionally capable of practicing medicine with reasonable judgment, skill and safety. In determining physical, mental and professional capacity under this Section the ~~Medical~~ Licensing Board may, upon a showing of a possible incapacity, compel an applicant to submit to a mental or physical examination ~~and evaluation~~, or both, ~~in the same manner as provided in Section 22~~ and may condition or restrict any license, subject to the

same terms and conditions as are provided for the ~~Medical~~ Disciplinary Board under Section 22 of this Act. ~~The Medical Licensing Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the applicant and the examining physician. Any condition of restricted license shall provide that the Chief Medical Coordinator or Deputy Medical Coordinator shall have the authority to review the subject physician's compliance with such conditions or restrictions, including, where appropriate, the physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records of patients.~~

(D) That if the applicant seeks to practice medicine in all of its branches:

(1) if the applicant was licensed in another jurisdiction prior to January 1, 1988,

that the applicant has satisfied the educational requirements of paragraph (1) of subsection (A) or paragraph (2) of subsection (A) of Section 11 of this Act; or

(2) if the applicant was licensed in another jurisdiction after December 31, 1987,

that the applicant has satisfied the educational requirements of paragraph (A)(2) of Section 11 of this Act; and

(3) the requirements for a license to practice medicine in all of its branches in

the particular state, territory, country or province in which the applicant is licensed are deemed by the Department to have been substantially equivalent to the requirements for a license to practice medicine in all of its branches in force in this State at the date of the applicant's license;

(E) That if the applicant seeks to treat human ailments without the use of drugs and without operative surgery:

(1) the applicant is a graduate of a chiropractic school or college approved by the Department at the time of their graduation;

(2) the requirements for the applicant's license to practice the treatment of human ailments without the use of drugs and without operative surgery are deemed by the Department to have been substantially equivalent to the requirements for a license to practice in this State at the date of the applicant's license;

(F) That the Department may, in its discretion, issue a license by endorsement ~~without examination~~, to any graduate of a

medical or osteopathic college, reputable and in good standing in the judgment of the Department, who has passed an examination for admission to the United States Public Health Service, or who has passed any other examination deemed by the Department to have been at least equal in all substantial respects to the examination required for admission to any such medical corps;

(G) That applications for licenses by endorsement ~~without examination~~ shall be filed with the Department, under oath, on

forms prepared and furnished by the Department, and shall set forth, and applicants therefor shall supply such information respecting the life, education, professional practice, and moral character of applicants as the Department may require to be filed for its use;

(H) That the applicant undergo the criminal background check established under Section 9.7 of this Act.

In the exercise of its discretion under this Section, the Department is empowered to consider and evaluate each applicant on an individual basis. It may take into account, among other things, the extent to which there is or is not available to the Department, authentic and definitive information concerning the quality of medical education and clinical training which the applicant has had. Under no circumstances shall a license be issued under the provisions of this Section to any person who has previously taken and failed the written examination conducted by the Department for such license. In the exercise of its discretion under this Section, the Department may require an applicant to successfully complete an examination as recommended by the Licensing Board. In determining moral character, the Department may take into consideration whether the applicant has engaged in conduct or activities which would constitute grounds for discipline under this Act. The Department may also request the applicant to submit, and may consider as evidence of moral character, evidence from 2 or 3 individuals licensed under this Act. Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fees shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-702, eff. 7-1-97; 90-722, eff. 1-1-99.)

(225 ILCS 60/20) (from Ch. 111, par. 4400-20)

[November 28, 2012]

(Section scheduled to be repealed on November 30, 2011)

Sec. 20. Continuing education. The Department shall promulgate rules of continuing education for persons licensed under this Act that require an average of 50 ~~450~~ hours of continuing education per license year ~~renewal cycle~~. These rules shall be consistent with requirements of relevant professional associations, ~~specialty~~ specialty societies, or boards. The rules shall also address variances in part or in whole for good cause, including, but not limited to, temporary illness or hardship. In establishing these rules, the Department shall consider educational requirements for medical staffs, requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee under this Act. These rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 60/21) (from Ch. 111, par. 4400-21)

(Section scheduled to be repealed on November 30, 2011)

Sec. 21. License renewal; restoration; inactive status; disposition and collection of fees.

(A) Renewal. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license by paying the required fee. The holder of a license may also renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

The Department shall mail to each licensee under this Act, at his or her ~~last known~~ address of record, at least 60 days in advance of the expiration date of his or her license, a ~~renewal notice of that fact and an application for renewal form~~. No such license shall be deemed to have lapsed until 90 days after the expiration date and after such notice has ~~and application have~~ been mailed by the Department as herein provided.

(B) Restoration. Any licensee who has permitted his or her license to lapse or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have the license restored, including evidence certifying to active practice in another jurisdiction satisfactory to the Department, proof of meeting the continuing education requirements for one renewal period, and by paying the required restoration fee.

If the licensee has not maintained an active practice in another jurisdiction satisfactory to the Department, the Licensing Board shall determine, by an evaluation program established by rule, the applicant's fitness to resume active status and may require the licensee to complete a period of evaluated clinical experience and may require successful completion of a ~~the~~ practical examination specified by the Licensing Board.

However, any registrant whose license has expired while he or she has been engaged (a) in Federal Service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, the Public Health Service or the State Militia called into the service or training of the United States of America, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license reinstated or restored without paying any lapsed renewal fees, if within 2 years after honorable termination of such service, training, or education, he or she furnishes to the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(C) Inactive licenses. Any licensee who notifies the Department, in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee, provide proof of meeting the continuing education requirements for the period of time the license is inactive not to exceed one renewal period, and shall be required to restore his or her license as provided in subsection (B).

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(D) Disposition of monies collected. All monies collected under this Act by the Department shall be deposited in the Illinois State Medical Disciplinary Fund in the State Treasury, and used only for the following purposes: (a) by the ~~Medical~~ Disciplinary Board and Licensing Board in the exercise of its

powers and performance of its duties, as such use is made by the Department with full consideration of all recommendations of the ~~Medical~~ Disciplinary Board and Licensing Board, (b) for costs directly related to persons licensed under this Act, and (c) for direct and allocable indirect costs related to the public purposes of the Department of ~~Professional Regulation~~.

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

All earnings received from investment of monies in the Illinois State Medical Disciplinary Fund shall be deposited in the Illinois State Medical Disciplinary Fund and shall be used for the same purposes as fees deposited in such Fund.

(E) Fees. The following fees are nonrefundable.

(1) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(2) The fee for a license under Section 9 of this Act is \$300.

(3) The fee for a license under Section 19 of this Act is \$300.

(4) The fee for the renewal of a license for a resident of Illinois shall be calculated at the rate of \$100 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be \$100. The fee for the renewal of a license for a nonresident shall be calculated at the rate of \$200 per year, except for licensees who were issued a license within 12 months of the expiration date of the license, the fee for the renewal shall be \$200.

(5) The fee for the restoration of a license other than from inactive status, is \$100. In addition, payment of all lapsed renewal fees not to exceed \$600 is required.

(6) The fee for a 3-year temporary license under Section 17 is \$100.

(7) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.

(8) The fee to be paid for a license record for any purpose is \$20.

(9) The fee to be paid to have the scoring of an examination, administered by the Department, reviewed and verified, is \$20 plus any fees charged by the applicable testing service.

(10) The fee to be paid by a licensee for a wall certificate showing his or her license shall be the actual cost of producing the certificate as determined by the Department.

(11) The fee for a roster of persons licensed as physicians in this State shall be the actual cost of producing such a roster as determined by the Department.

(F) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-146, eff. 1-1-02.)

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on November 30, 2011)

(Text of Section WITH the changes made by P.A. 94-677, which has been held unconstitutional) Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probation ~~probationary status~~, reprimand, refuse to issue or renew, or take any other disciplinary or non-disciplinary action as the Department may deem

proper with regard to the license or ~~visiting professor~~ permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery, including imposing fines not to exceed \$10,000 for each violation, upon any of the following grounds:

- (1) Performance of an elective abortion in any place, locale, facility, or institution other than:
 - (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
 - (b) an institution licensed under the Hospital Licensing Act;
 - (c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control;
 - (d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or
 - (e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.
- (2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.
- (3) A plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States of any crime that is a felony. The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.
- (4) Gross negligence in practice under this Act.
- (5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
- (6) Obtaining any fee by fraud, deceit, or misrepresentation.
- (7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.
- (8) Practicing under a false or, except as provided by law, an assumed name.
- (9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.
- (10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.
- (11) Allowing another person or organization to use their license, procured under this Act, to practice.
- (12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.
- (13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.
- (14) Violation of the prohibition against fee splitting in Section 22.2 of this Act.
- (15) A finding by the ~~Medical~~ Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.
- (16) Abandonment of a patient.
- (17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.
- (18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.
- (19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

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

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

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

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra; as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to provide copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate.

(43) Repeated failure to adequately collaborate with a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred, or a report pursuant to Section 23 of this Act received, within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the ~~Medical~~ Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

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

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the ~~Medical~~ Disciplinary Board or the Licensing Board, upon a showing of a possible violation, may compel, in the case of the Disciplinary Board, any individual who is licensed to practice under this Act or holds a permit to practice under this Act, or, in the case of the Licensing Board, any individual who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination and evaluation, or both, which may include a substance abuse or sexual offender evaluation, as required by the Licensing Board or Disciplinary Board and at the expense of the Department. The Disciplinary Board or Licensing Board shall specifically designate the examining physician licensed to practice medicine in all of its branches or, if applicable, the multidisciplinary team involved in providing the mental or physical examination and evaluation, or both. The multidisciplinary team shall be led by a physician licensed to practice medicine in all of its branches and may consist of one or more or a combination of physicians licensed to practice medicine in all of its branches, licensed chiropractic physicians, licensed clinical psychologists, licensed clinical social workers, licensed clinical professional counselors, and other professional and administrative staff. Any examining physician or member of the multidisciplinary team may require any person ordered to submit to an examination and evaluation pursuant to this Section to submit to any additional supplemental testing deemed necessary to complete any examination or evaluation process, including, but not limited to, blood testing, urinalysis,

psychological testing, or neuropsychological testing. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to provide to the Department, the Disciplinary Board, or the Licensing Board any and all records, including business records, that relate to the examination and evaluation, including any supplemental testing performed. The Disciplinary Board, the Licensing Board, or the Department may order the examining physician or any member of the multidisciplinary team to present testimony concerning this mental or physical examination and evaluation of the licensee, permit holder, or applicant, including testimony concerning any supplemental testing or documents relating to the examination and evaluation. No information, report, record, or other documents in any way related to the examination and evaluation shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician or any member of the multidisciplinary team. No authorization is necessary from the licensee, permit holder, or applicant ordered to undergo an evaluation and examination for the examining physician or any member of the multidisciplinary team to provide information, reports, records, or other documents or to provide any testimony regarding the examination and evaluation. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination and evaluation, or both, when directed, shall result in an automatic ~~be grounds for~~ suspension , without hearing, of his or her license until such time as the individual submits to the examination ~~if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.~~ If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or ~~visiting permit of any person~~ issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery of any person , who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or ~~visiting permit~~ is revoked under this subsection ~~B of Section 22 of this Act~~ shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The ~~Medical~~ Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$1,000 and for a second or subsequent violation, a civil penalty of \$5,000.

(Source: P.A. 94-566, eff. 9-11-05; 94-677, eff. 8-25-05; 95-331, eff. 8-21-07; 96-608, eff. 8-24-09; 96-1000, eff. 7-2-10.)

[November 28, 2012]

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)
 (Section scheduled to be repealed on November 30, 2011)
 (Text of Section WITH the changes made by P.A. 94-677, which has been held unconstitutional, and by P.A. 96-1372, which amended language added by P.A. 94-677)

Sec. 23. Reports relating to professional conduct and capacity.

(A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Disciplinary Board when any person's clinical privileges are terminated or are restricted based on a final determination made, in accordance with that institution's by-laws or rules and regulations, that a person has either committed an act or acts which may directly threaten patient care, ~~and not of an administrative nature~~, or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care ~~and not of an administrative nature~~, or in lieu of formal action seeking to determine whether a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. The ~~Medical~~ Disciplinary Board shall, by rule, provide for the reporting to it by health care institutions of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Disciplinary Board, or by authorized staff as provided by rules of the Disciplinary Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Disciplinary Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of The State Records Act and shall be disposed of, following a determination by the Disciplinary Board that such reports are no longer required, in a manner and at such time as the Disciplinary Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Disciplinary Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Disciplinary Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff.

(4) State's Attorneys. The State's Attorney of each county shall report to the Disciplinary Board, within 5 days, any ~~at~~ instances in which a person licensed under this Act is convicted ~~or otherwise found guilty of the commission~~ of any felony or Class A misdemeanor. The State's Attorney of each county may report to the Disciplinary Board through a verified complaint any instance in which the State's Attorney believes that a physician has willfully violated the notice requirements of the Parental Notice of Abortion Act of 1995.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Disciplinary Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by Section 23 shall be submitted to the Disciplinary Board in a timely fashion. Unless otherwise provided in this Section, the ~~The~~ reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

- (1) The name, address and telephone number of the person making the report.
- (2) The name, address and telephone number of the person who is the subject of the

report.

(3) The name and date of birth of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other healthcare facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting party deems to be an aid in the evaluation of the report.

The Disciplinary Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury. Appropriate rules shall be adopted by the Department with the approval of the Disciplinary Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body or medical licensing authority of this State or another state or jurisdiction pursuant to an official request made by that licensing body or medical licensing authority. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense, or, in the case of disclosure to a health care licensing body or medical licensing authority, only for investigations and disciplinary action proceedings with regard to a licensee. Information and documents disclosed to the Department of Public Health may be used by that Department only for investigation and disciplinary action regarding the license of a health care institution licensed by the Department of Public Health.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a wilful and wanton manner, in complying with this Act by providing any report or other information to the Disciplinary Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Disciplinary Board or a peer review committee information regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Disciplinary Board or a peer review committee, or by serving as a member of the Disciplinary Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Disciplinary Board, done in good faith and not wilful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were wilful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Disciplinary Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(E) Deliberations of Disciplinary Board. Upon the receipt of any report called for by this Act, other

than those reports of impaired persons licensed under this Act required pursuant to the rules of the Disciplinary Board, the Disciplinary Board shall notify in writing, by certified mail, the person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Disciplinary Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Disciplinary Board no more than 30 days after the date on which the person was notified by the Disciplinary Board of the existence of the original report.

The Disciplinary Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Disciplinary Board shall be in a timely manner but in no event, shall the Disciplinary Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Disciplinary Board.

When the Disciplinary Board makes its initial review of the materials contained within its disciplinary files, the Disciplinary Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Disciplinary Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary. The Secretary shall then have 30 days to accept the ~~Medical~~ Disciplinary Board's decision or request further investigation. The Secretary shall inform the Board ~~in writing~~ of the decision to request further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary of any final action on their report or complaint.

(F) Summary reports. The Disciplinary Board shall prepare, on a timely basis, but in no event less than once every other month, a summary report of final disciplinary actions taken upon disciplinary files maintained by the Disciplinary Board. The summary reports shall be made available to the public upon request and payment of the fees set by the Department. This publication may be made available to the public on the Department's ~~Internet~~ website. Information or documentation relating to any disciplinary file that is closed without disciplinary action taken shall not be disclosed and shall be afforded the same status as is provided by Part 21 of Article VIII of the Code of Civil Procedure.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 94-677, eff. 8-25-05; 95-639, eff. 10-5-07; 96-1372, eff. 7-29-10.)

(225 ILCS 60/24) (from Ch. 111, par. 4400-24)

(Section scheduled to be repealed on November 30, 2011)

(Text of Section WITH the changes made by P.A. 94-677, which has been held unconstitutional)

Sec. 24. Report of violations; medical associations. Any physician licensed under this Act, the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Chiropractic Society, the Illinois Prairie State Chiropractic Association, or any component societies of any of these 4 groups, and any other person, may report to the Disciplinary Board any information the physician, association, society, or person may have that appears to show that a physician is or may be in violation of any of the provisions of Section 22 of this Act.

The Department may enter into agreements with the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Prairie State Chiropractic Association, or the Illinois Chiropractic Society to allow these organizations to assist the Disciplinary Board in the

review of alleged violations of this Act. Subject to the approval of the Department, any organization party to such an agreement may subcontract with other individuals or organizations to assist in review.

Any physician, association, society, or person participating in good faith in the making of a report under this Act or participating in or assisting with an investigation or review under this Act shall have immunity from any civil, criminal, or other liability that might result by reason of those actions.

The medical information in the custody of an entity under contract with the Department participating in an investigation or review shall be privileged and confidential to the same extent as are information and reports under the provisions of Part 21 of Article VIII of the Code of Civil Procedure.

Upon request by the Department after a mandatory report has been filed with the Department, an attorney for any party seeking to recover damages for injuries or death by reason of medical, hospital, or other healing art malpractice shall provide patient records related to the physician involved in the disciplinary proceeding to the Department within 30 days of the Department's request for use by the Department in any disciplinary matter under this Act. An attorney who provides patient records to the Department in accordance with this requirement shall not be deemed to have violated any attorney-client privilege. Notwithstanding any other provision of law, consent by a patient shall not be required for the provision of patient records in accordance with this requirement.

For the purpose of any civil or criminal proceedings, the good faith of any physician, association, society or person shall be presumed. ~~The Disciplinary Board may request the Illinois State Medical Society, the Illinois Association of Osteopathic Physicians and Surgeons, the Illinois Prairie State Chiropractic Association, or the Illinois Chiropractic Society to assist the Disciplinary Board in preparing for or conducting any medical competency examination as the Board may deem appropriate.~~

(Source: P.A. 94-677, eff. 8-25-05.)

(225 ILCS 60/24.1)

(Section scheduled to be repealed on November 30, 2011)

(This Section was added by P.A. 94-677, which has been held unconstitutional)

Sec. 24.1. Physician profile.

(a) This Section may be cited as the Patients' Right to Know Law.

(b) The Department shall make available to the public a profile of each physician. The Department shall make this information available through an Internet web site and, if requested, in writing. The physician profile shall contain the following information:

(1) the full name of the physician;

(2) a description of any criminal convictions for felonies and Class A misdemeanors, as determined by the Department, within the most recent 5 years. For the purposes of this Section, a person shall be deemed to be convicted of a crime if he or she pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction;

(3) a description of any final Department disciplinary actions within the most recent 5 years;

(4) a description of any final disciplinary actions by licensing boards in other states within the most recent 5 years;

(5) a description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent 5 years shall be disclosed by the Department to the public;

(6) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment was awarded to a complaining party during the most recent 5 years and all settlements of medical malpractice claims in which a payment was made to a complaining party within the most recent 5 years. A medical malpractice judgment or award that has been appealed shall be identified prominently as "Under Appeal" on the profile within 20 days of formal written notice to the Department. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing in this subdivision (6) shall be construed to limit or prevent the Disciplinary Board from providing further explanatory information regarding the significance of categories in which settlements are reported. Pending malpractice claims shall not be disclosed by the Department to the public. Nothing in this subdivision (6) shall be construed to prevent the

Disciplinary Board from investigating and the Department from disciplining a physician on the basis of medical malpractice claims that are pending;

- (7) names of medical schools attended, dates of attendance, and date of graduation;
- (8) graduate medical education;
- (9) specialty board certification. The toll-free number of the American Board of Medical Specialties shall be included to verify current board certification status;
- (10) number of years in practice and locations;
- (11) names of the hospitals where the physician has privileges;
- (12) appointments to medical school faculties and indication as to whether a physician has a responsibility for graduate medical education within the most recent 5 years;
- (13) information regarding publications in peer-reviewed medical literature within the most recent 5 years;
- (14) information regarding professional or community service activities and awards;
- (15) the location of the physician's primary practice setting;
- (16) identification of any translating services that may be available at the physician's primary practice location;
- (17) an indication of whether the physician participates in the Medicaid program.

(c) The Disciplinary Board shall provide individual physicians with a copy of their profiles prior to release to the public. A physician shall be provided 60 days to correct factual inaccuracies that appear in such profile.

(d) A physician may elect to have his or her profile omit certain information provided pursuant to subdivisions (12) through (14) of subsection (b) concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the Disciplinary Board shall inform physicians that they may choose not to provide such information required pursuant to subdivisions (12) through (14) of subsection (b).

(e) The Department shall promulgate such rules as it deems necessary to accomplish the requirements of this Section.

(Source: P.A. 94-677, eff. 8-25-05.)

(225 ILCS 60/25) (from Ch. 111, par. 4400-25)

(Section scheduled to be repealed on November 30, 2011)

Sec. 25. The ~~Secretary~~ ~~Director~~ of the Department may, upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, and after consultation with the Chief Medical Coordinator or Deputy Medical Coordinator, immediately suspend the license of such person without a hearing. In instances in which the ~~Secretary~~ ~~Director~~ immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. Such hearing is to be held to determine whether to recommend to the ~~Secretary~~ ~~Director~~ that the person's license be revoked, suspended, placed on probationary status or reinstated, or whether such person should be subject to other disciplinary action. In the hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided however, the person, or their counsel, shall have the opportunity to discredit, impeach and submit evidence rebutting such evidence.

(Source: P.A. 95-331, eff. 8-21-07.)

(225 ILCS 60/26) (from Ch. 111, par. 4400-26)

(Section scheduled to be repealed on November 30, 2011)

Sec. 26. Advertising.

(1) Any person licensed under this Act may advertise the availability of professional services in the public media or on the premises where such professional services are rendered. Such advertising shall be limited to the following information:

- (a) Publication of the person's name, title, office hours, address and telephone number;
- (b) Information pertaining to the person's areas of specialization, including appropriate board certification or limitation of professional practice;
- (c) Information on usual and customary fees for routine professional services offered, which information shall include, notification that fees may be adjusted due to complications or unforeseen circumstances;
- (d) Announcement of the opening of, change of, absence from, or return to business;
- (e) Announcement of additions to or deletions from professional licensed staff;

(f) The issuance of business or appointment cards.

(2) It is unlawful for any person licensed under this Act to use ~~testimonials or~~ claims of superior quality of care to entice the public. It shall be unlawful to advertise fee comparisons of available services with those of other persons licensed under this Act.

(3) This Act does not authorize the advertising of professional services which the offeror of such services is not licensed to render. Nor shall the advertiser use statements which contain false, fraudulent, deceptive or misleading material or guarantees of success, statements which play upon the vanity or fears of the public, or statements which promote or produce unfair competition.

(4) A licensee shall include in every advertisement for services regulated under this Act his or her title as it appears on the license or the initials authorized under this Act.

(Source: P.A. 91-310, eff. 1-1-00.)

(225 ILCS 60/33) (from Ch. 111, par. 4400-33)

(Section scheduled to be repealed on November 30, 2011)

Sec. 33. Any person licensed under this Act to practice medicine in all of its branches shall be authorized to purchase legend drugs requiring an order of a person authorized to prescribe drugs, and to dispense such legend drugs in the regular course of practicing medicine. The dispensing of such legend drugs shall be the personal act of the person licensed under this Act and may not be delegated to any other person not licensed under this Act or the Pharmacy Practice Act unless such delegated dispensing functions are under the direct supervision of the physician authorized to dispense legend drugs. Except when dispensing manufacturers' samples or other legend drugs in a maximum 72 hour supply, persons licensed under this Act shall maintain a book or file of prescriptions as required in the Pharmacy Practice Act. Any person licensed under this Act who dispenses any drug or medicine shall dispense such drug or medicine in good faith and shall affix to the box, bottle, vessel or package containing the same a label indicating (a) the date on which such drug or medicine is dispensed; (b) the name of the patient; (c) the last name of the person dispensing such drug or medicine; (d) the directions for use thereof; and (e) the proprietary name or names or, if there are none, the established name or names of the drug or medicine, the dosage and quantity, except as otherwise authorized by regulation of the Department of Professional Regulation. The foregoing labeling requirements shall not apply to drugs or medicines in a package which bears a label of the manufacturer containing information describing its contents which is in compliance with requirements of the Federal Food, Drug, and Cosmetic Act and the Illinois Food, Drug, and Cosmetic Act. "Drug" and "medicine" have the meaning ascribed to them in the Pharmacy Practice Act, as now or hereafter amended; "good faith" has the meaning ascribed to it in subsection (v) of Section 102 of the "Illinois Controlled Substances Act", approved August 16, 1971, as amended.

Prior to dispensing a prescription to a patient, the physician shall offer a written prescription to the patient which the patient may elect to have filled by the physician or any licensed pharmacy.

A violation of any provision of this Section shall constitute a violation of this Act and shall be grounds for disciplinary action provided for in this Act.

Nothing in this Section shall be construed to authorize a chiropractic physician to prescribe drugs.

(Source: P.A. 95-689, eff. 10-29-07.)

(225 ILCS 60/35) (from Ch. 111, par. 4400-35)

(Section scheduled to be repealed on November 30, 2011)

Sec. 35. The ~~Secretary Director~~ shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, place on probationary status, or take any other disciplinary action with regard to a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings and recommendations to the Disciplinary Board within 30 days of the receipt of the record. The Disciplinary Board shall have 60 days from receipt of the report to review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the ~~Secretary Director~~.

(Source: P.A. 85-4.)

(225 ILCS 60/36) (from Ch. 111, par. 4400-36)

(Section scheduled to be repealed on November 30, 2011)

(Text of Section WITH the changes made by P.A. 94-677, which has been held unconstitutional, and by P.A. 96-1372, which amended language added by P.A. 94-677)

Sec. 36. Upon the motion of either the Department or the Disciplinary Board or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for suspension or revocation under Section 22 of this Act, the Department shall investigate the actions of any person, so accused, who holds or represents that they hold a license. Such person is hereinafter called the accused.

The Department shall, before suspending, revoking, placing on probationary status, or taking any

other disciplinary action as the Department may deem proper with regard to any license at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Disciplinary Board, direct them to file their written answer thereto to the Disciplinary Board under oath within 20 days after the service on them of such notice and inform them that if they fail to file such answer default will be taken against them and their license may be suspended, revoked, placed on probationary status, or have other disciplinary action, including limiting the scope, nature or extent of their practice, as the Department may deem proper taken with regard thereto.

Where a physician has been found, upon complaint and investigation of the Department, and after hearing, to have performed an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed, the Department shall automatically revoke the license of such physician to practice medicine in Illinois.

Such written notice and any notice in such proceedings thereafter may be served by delivery of the same, personally, to the accused person, or by mailing the same by registered or certified mail to the accused person's address of record ~~the address last theretofore specified by the accused in their last notification to the Department.~~

All information gathered by the Department during its investigation including information subpoenaed under Section 23 or 38 of this Act and the investigative file shall be kept for the confidential use of the Secretary, Disciplinary Board, the Medical Coordinators, persons employed by contract to advise the Medical Coordinator or the Department, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense or, in the case of disclosure to a health care licensing body, only for investigations and disciplinary action proceedings with regard to a license issued by that licensing body.

(Source: P.A. 94-677, eff. 8-25-05; 96-1372, eff. 7-29-10.)

(225 ILCS 60/37) (from Ch. 111, par. 4400-37)

(Section scheduled to be repealed on November 30, 2011)

Sec. 37. At the time and place fixed in the notice, the Disciplinary Board provided for in this Act shall proceed to hear the charges, ~~and both the accused person and the complainant~~ shall be accorded ample opportunity to present in person, or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Disciplinary Board may continue such hearing from time to time. If the Disciplinary Board is not sitting at the time and place fixed in the notice or at the time and place to which the hearing has been continued, the Department shall continue such hearing for a period not to exceed 30 days.

In case the accused person, after receiving notice, fails to file an answer, their license may, in the discretion of the ~~Secretary~~ Director, having received first the recommendation of the Disciplinary Board, be suspended, revoked or placed on probationary status, or the ~~Secretary~~ Director may take whatever disciplinary action as he or she may deem proper, including limiting the scope, nature, or extent of said person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

The Disciplinary Board has the authority to recommend to the ~~Secretary~~ Director that probation be granted or that other disciplinary or non-disciplinary action, including the limitation of the scope, nature or extent of a person's practice, be taken as it deems proper. If disciplinary or non-disciplinary action, other than suspension or revocation, is taken the Disciplinary Board may recommend that the ~~Secretary~~ Director impose reasonable limitations and requirements upon the accused registrant to insure compliance with the terms of the probation or other disciplinary action including, but not limited to, regular reporting by the accused to the Department of their actions, placing themselves under the care of a qualified physician for treatment, or limiting their practice in such manner as the ~~Secretary~~ Director may require.

The ~~Secretary~~ Director, after consultation with the Chief Medical Coordinator or Deputy Medical Coordinator, may temporarily suspend the license of a physician without a hearing, simultaneously with the institution of proceedings for a hearing provided under this Section if the ~~Secretary~~ Director finds that evidence in his or her possession indicates that a physician's continuation in practice would constitute an immediate danger to the public. In the event that the ~~Secretary~~ Director suspends,

temporarily, the license of a physician without a hearing, a hearing by the Disciplinary Board shall be held within 15 days after such suspension has occurred and shall be concluded without appreciable delay.

(Source: P.A. 85-4.)

(225 ILCS 60/38) (from Ch. 111, par. 4400-38)

(Section scheduled to be repealed on November 30, 2011)

Sec. 38. The Disciplinary Board or Department has power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as is prescribed by law for judicial procedure in civil cases.

The Disciplinary Board, upon a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring, may subpoena the medical and hospital records of individual patients of physicians licensed under this Act, provided, that prior to the submission of such records to the Disciplinary Board, all information indicating the identity of the patient shall be removed and deleted. Notwithstanding the foregoing, the Disciplinary Board and Department shall possess the power to subpoena copies of hospital or medical records in mandatory report cases under Section 23 alleging death or permanent bodily injury when consent to obtain records is not provided by a patient or legal representative. Prior to submission of the records to the Disciplinary Board, all information indicating the identity of the patient shall be removed and deleted. All medical records and other information received pursuant to subpoena shall be confidential and shall be afforded the same status as is proved information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure. The use of such records shall be restricted to members of the Disciplinary Board, the medical coordinators, and appropriate staff of the Department of ~~Professional Regulation~~ designated by the Disciplinary Board for the purpose of determining the existence of one or more grounds for discipline of the physician as provided for by Section 22 of this Act. Any such review of individual patients' records shall be conducted by the Disciplinary Board in strict confidentiality, provided that such patient records shall be admissible in a disciplinary hearing, before the Disciplinary Board, when necessary to substantiate the grounds for discipline alleged against the physician licensed under this Act, and provided further, that nothing herein shall be deemed to supersede the provisions of Part 21 of Article VIII of the "Code of Civil Procedure", as now or hereafter amended, to the extent applicable.

The ~~Secretary Director~~, and any member of the Disciplinary Board each have power to administer oaths at any hearing which the Disciplinary Board or Department is authorized by law to conduct.

The Disciplinary Board, upon a determination that probable cause exists that a violation of one or more of the grounds for discipline listed in Section 22 has occurred or is occurring on the business premises of a physician licensed under this Act, may issue an order authorizing an appropriately qualified investigator employed by the Department to enter upon the business premises with due consideration for patient care of the subject of the investigation so as to inspect the physical premises and equipment and furnishings therein. No such order shall include the right of inspection of business, medical, or personnel records located on the premises. For purposes of this Section, "business premises" is defined as the office or offices where the physician conducts the practice of medicine. Any such order shall expire and become void five business days after its issuance by the Disciplinary Board. The execution of any such order shall be valid only during the normal business hours of the facility or office to be inspected.

(Source: P.A. 90-699, eff. 1-1-99.)

(225 ILCS 60/40) (from Ch. 111, par. 4400-40)

(Section scheduled to be repealed on November 30, 2011)

Sec. 40. The Disciplinary Board shall present to the ~~Secretary Director~~ a written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered or certified mail. Within 20 days after such service, the accused person may present to the Department their motion, in writing, for a rehearing, which written motion shall specify the particular ground therefor. If the accused person orders and pays for a transcript of the record as provided in Section 39, the time elapsing thereafter and before such transcript is ready for delivery to them shall not be counted as part of such 20 days.

At the expiration of the time allowed for filing a motion for rehearing, the ~~Secretary Director~~ may take the action recommended by the Disciplinary Board. Upon the suspension, revocation, placement on probationary status, or the taking of any other disciplinary action, including the limiting of the scope, nature, or extent of one's practice, deemed proper by the Department, with regard to the license, certificate or visiting professor permit, the accused shall surrender their license to the Department, if ordered to do so by the Department, and upon their failure or refusal so to do, the Department may seize

the same.

Each certificate of order of revocation, suspension, or other disciplinary action shall contain a brief, concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action. This document shall be retained as a permanent record by the Disciplinary Board and the ~~Secretary~~ ~~Director~~.

The Department shall at least annually publish a list of the names of all persons disciplined under this Act in the preceding 12 months. Such lists shall be ~~available~~ ~~mailed~~ by the Department ~~on its website to any person in the State upon request.~~

In those instances where an order of revocation, suspension, or other disciplinary action has been rendered by virtue of a physician's physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice medicine with reasonable judgment, skill, or safety, the Department shall only permit this document, and the record of the hearing incident thereto, to be observed, inspected, viewed, or copied pursuant to court order.

(Source: P.A. 85-4.)

(225 ILCS 60/41) (from Ch. 111, par. 4400-41)

(Section scheduled to be repealed on November 30, 2011)

Sec. 41. Administrative review; certification of record. All final administrative decisions of the Department are subject to judicial review pursuant to the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; but if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record to the court, ~~to or~~ ~~file an~~ ~~any~~ answer in court, or ~~to~~ otherwise appear in any court in a judicial review proceeding, ~~unless and until there is filed in the court, with the complaint, a receipt from the Department has received from the plaintiff acknowledging payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department computed at the rate of 20 cents per page of the record.~~ Exhibits shall be certified without cost. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action the sanctions imposed upon the accused by the Department because of acts or omissions related to the delivery of direct patient care as specified in the Department's final administrative decision, shall as a matter of public policy remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

(Source: P.A. 87-1031; 88-184.)

(225 ILCS 60/42) (from Ch. 111, par. 4400-42)

(Section scheduled to be repealed on November 30, 2011)

Sec. 42. An order of revocation, suspension, placing the license on probationary status, or other formal disciplinary action as the Department may deem proper, or a certified copy thereof, over the seal of the Department and purporting to be signed by the ~~Secretary~~ ~~Director~~, is prima facie proof that:

- (a) Such signature is the genuine signature of the ~~Secretary~~ ~~Director~~;
- (b) The ~~Secretary~~ ~~Director~~ is duly appointed and qualified; and
- (c) The Disciplinary Board and the members thereof are qualified.

Such proof may be rebutted.

(Source: P.A. 85-4.)

(225 ILCS 60/43) (from Ch. 111, par. 4400-43)

(Section scheduled to be repealed on November 30, 2011)

Sec. 43. Restoration of license from discipline. At any time after the successful completion of a term of probation, suspension, or revocation of a license, the Department may restore the license to the licensee, unless after an investigation and a hearing, the Secretary determines that restoration is not in the public interest. No person or entity whose license or permit has been revoked as authorized in this Act may apply for restoration of that license or permit until such time as provided for in the Civil Administrative Code of Illinois. At any time after the suspension, revocation, placing on probationary status, or taking disciplinary action with regard to any license, the Department may restore it to the accused person, or take any other action to reinstate the license to good standing, without examination, upon the written recommendation of the Disciplinary Board.

(Source: P.A. 85-4.)

(225 ILCS 60/44) (from Ch. 111, par. 4400-44)

(Section scheduled to be repealed on November 30, 2011)

Sec. 44. None of the disciplinary functions, powers and duties enumerated in this Act shall be

exercised by the Department except upon the action and report in writing of the Disciplinary Board.

In all instances, under this Act, in which the Disciplinary Board has rendered a recommendation to the ~~Secretary Director~~ with respect to a particular physician, the ~~Secretary Director~~ shall, in the event that he or she disagrees with or takes action contrary to the recommendation of the Disciplinary Board, file with the Disciplinary Board ~~and the Secretary of State~~ his or her specific written reasons of disagreement with the Disciplinary Board. Such reasons shall be filed within 30 days of the occurrence of the ~~Secretary's Director's~~ contrary position having been taken.

The action and report in writing of a majority of the Disciplinary Board designated is sufficient authority upon which the ~~Secretary Director~~ may act.

Whenever the ~~Secretary Director~~ is satisfied that substantial justice has not been done either in an examination, or in a formal disciplinary action, or refusal to restore a license, he or she may order a reexamination or rehearing by the same or other examiners.

(Source: P.A. 85-4.)

(225 ILCS 60/47) (from Ch. 111, par. 4400-47)

(Section scheduled to be repealed on November 30, 2011)

Sec. 47. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the ~~last known~~ address of record of a party.

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

(225 ILCS 60/54) (from Ch. 111, par. 4400-54)

(Section scheduled to be repealed on November 30, 2011)

Sec. 54. A person who holds himself or herself out to treat human ailments under a name other than his or her own, or by personation of any physician, shall be punished as provided in Section 59.

However, nothing in this Act shall be construed as prohibiting partnerships, limited liability companies, associations, or corporations in accordance with subsection (c) item (14) of subsection (A) of Section ~~22.2 22~~ of this Act.

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

(225 ILCS 60/54.2)

(Section scheduled to be repealed on November 30, 2011)

Sec. 54.2. Physician delegation of authority.

(a) Nothing in this Act shall be construed to limit the delegation of patient care tasks or duties by a physician, to a licensed practical nurse, a registered professional nurse, or other licensed person practicing within the scope of his or her individual licensing Act. Delegation by a physician licensed to practice medicine in all its branches to physician assistants or advanced practice nurses is also addressed in Section 54.5 of this Act. No physician may delegate any patient care task or duty that is statutorily or by rule mandated to be performed by a physician.

(b) In an office or practice setting and within a physician-patient relationship, a physician may delegate patient care tasks or duties to an unlicensed person who possesses appropriate training and experience provided a health care professional, who is practicing within the scope of such licensed professional's individual licensing Act, is on site to provide assistance.

(c) Any such patient care task or duty delegated to a licensed or unlicensed person must be within the scope of practice, education, training, or experience of the delegating physician and within the context of a physician-patient relationship.

(d) Nothing in this Section shall be construed to affect referrals for professional services required by law.

(e) The Department shall have the authority to promulgate rules concerning a physician's delegation, including but not limited to, the use of light emitting devices for patient care or treatment.

(f) Nothing in this Act shall be construed to limit the method of delegation that may be authorized by any means, including, but not limited to, oral, written, electronic, standing orders, protocols, guidelines, or verbal orders.

(Source: P.A. 96-618, eff. 1-1-10.)

(225 ILCS 60/59) (from Ch. 111, par. 4400-59)

(Section scheduled to be repealed on November 30, 2011)

Sec. 59. Any person who violates for the first time Section 49, 50, 51, 52, 53, 54, 55, or 56 of this Act is guilty of a Class 4 felony. Any person who violates for the first time Section 27 of this Act is guilty of

a Class A misdemeanor.

Any person who has been previously convicted under Section 49, 50, 51, 52, 53, 54, 55, or 56 of this Act and who subsequently violates any of the Sections is guilty of a Class 3 felony. Any person who has been previously convicted under Section 27 of this Act and who subsequently violates Section 27 is guilty of a Class 4 felony. In addition, whenever any person is punished as a repeat offender under this Section, the ~~Secretary~~ ~~Director~~ of the Department shall proceed to obtain a permanent injunction against such person under Section 61 of this Act.

(Source: P.A. 85-4.)

(225 ILCS 60/61) (from Ch. 111, par. 4400-61)

(Section scheduled to be repealed on November 30, 2011)

Sec. 61. The practice of medicine in all of its branches or the treatment of human ailments without the use of drugs and without operative surgery by any person not at that time holding a valid and current license under this Act to do so is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The ~~Secretary~~ ~~Director~~ of the Department, the Attorney General of the State of Illinois, the State's Attorney of any County in the State, or any resident citizen may maintain an action in the name of the people of the State of Illinois, may apply for an injunction in the circuit court to enjoin any such person from engaging in such practice; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license to do so, may issue a temporary restraining order or preliminary injunction without notice or bond, enjoining the defendant from any such further practice. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that the defendant has been, or is engaged in any such unlawful practice, the court, or any judge thereof, may enter an order or judgment perpetually enjoining the defendant from further engaging in such practice. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys fees. In case of violation of any injunction entered under the provisions of this Section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided.

(Source: P.A. 85-4.)

(225 ILCS 60/32 rep.)

Section 15. The Medical Practice Act of 1987 is amended by repealing Section 32.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

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

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Hutchinson, **Senate Bill No. 1566**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Hutchinson moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

YEAS 39; NAYS 11.

The following voted in the affirmative:

Clayborne	Holmes	Link	Rezin
Collins, A.	Hunter	Luechtefeld	Sandoval
Collins, J.	Hutchinson	Maloney	Schmidt

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Crotty	Jacobs	Martinez	Schoenberg
Cultra	Johnson, T.	McGuire	Silverstein
Forby	Jones, J.	Millner	Steans
Frerichs	Koehler	Mulroe	Sullivan
Garrett	Kotowski	Muñoz	Trotter
Haine	Landek	Noland	Mr. President
Harmon	Lightford	Raoul	

The following voted in the negative:

Althoff	Johnson, C.	Pankau	Sandack
Brady	LaHood	Radogno	Syverson
Dillard	McCann	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1566**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Senator Forby moved to suspend Senate Rule 9-4(c) to consider all motions filed to restore item reductions on **Senate Bill No. 2474** on a single roll call.

The motion prevailed.

Pursuant to the Motions in Writing filed on Wednesday, November 28, 2012 and journalized Wednesday, November 28, 2012, Senator Forby moved that the items on page 21, line 22; page 36, line 7; page 62, line 2; page 62, line 4; page 62, line 6; page 62, line 7; page 62, line 8; page 62, line 10; page 62, line 11; page 62, line 12; page 62, line 13; page 62, line 14; page 62, line 15; page 63, line 9; page 63, line 11; page 63, line 13; page 63, line 14; page 64, line 15; page 63, line 17; page 63, line 18; page 63, line 19; page 63, line 21; and page 63, line 22 to **Senate Bill No. 2474** be restored, the item reductions of the Governor to the contrary notwithstanding.

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

YEAS 35; NAYS 16.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Muñoz
Bivins	Haine	Link	Radogno
Bomke	Hutchinson	Luechtefeld	Rezin
Brady	Jacobs	Maloney	Righter
Clayborne	Jones, J.	Martinez	Sandoval
Crotty	Koehler	McCann	Silverstein
Cultra	LaHood	McCarter	Sullivan
Duffy	Landek	McGuire	Mr. President
Forby	Lauzen	Millner	

The following voted in the negative:

Collins, A.	Hunter	Mulroe	Trotter
Collins, J.	Johnson, C.	Pankau	
Garrett	Johnson, T.	Sandack	
Harmon	Jones, E.	Schoenberg	
Holmes	Kotowski	Steans	

The motion prevailed.

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

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Senator Hunter asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **Senate Bill No. 2474**.

Pursuant to the Motion in Writing filed on Tuesday, November 20, 2012 and journalized Wednesday, November 21, 2012, Senator Duffy moved that **Senate Bill No. 2945** do pass, the veto of the Governor to the contrary notwithstanding.

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

YEAS 24; NAYS 31.

The following voted in the affirmative:

Althoff	Johnson, T.	Murphy	Schmidt
Bivins	Jones, J.	Pankau	Syverson
Bomke	LaHood	Radogno	Mr. President
Brady	Lauzen	Raoul	
Dillard	McCann	Rezin	
Duffy	McCarter	Righter	
Johnson, C.	Millner	Sandack	

The following voted in the negative:

Clayborne	Haine	Kotowski	Noland
Collins, A.	Harmon	Landek	Sandoval
Collins, J.	Holmes	Lightford	Schoenberg
Crotty	Hunter	Maloney	Silverstein
Cultra	Hutchinson	Martinez	Steans
Forby	Jacobs	McGuire	Sullivan
Frerichs	Jones, E.	Mulroe	Trotter
Garrett	Koehler	Muñoz	

The motion having failed to receive the vote of three-fifths of the members elected was lost.

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 1957** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1957

AMENDMENT NO. 1. Amend House Bill 1957 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 34-210 and by adding Section 34-232 as follows:

(105 ILCS 5/34-210)

Sec. 34-210. The Educational Facility Master Plan.

(a) In accordance with the schedule set forth in this Article, the chief executive officer or his or her designee shall prepare a 10-year educational facility master plan every 5 years, with updates 2 1/2 years after the approval of the initial 10-year plan, with the first such educational facility master plan to be approved on or before January 1, 2014 ~~July 1, 2013~~.

(b) The educational facility master plan shall provide community area level plans and individual school master plans with options for addressing the facility and space needs for each facility operated by the district over a 10-year period.

(c) The data, information, and analysis that shall inform the educational facility master plan shall be published on the district's Internet website and shall include the following:

(1) a description of the district's guiding educational goals and standards;

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- (2) a brief description of the types of instructional programs and services delivered in each school;
 - (3) a description of the process, procedure, and timeline for community participation in the development of the plan;
 - (4) the enrollment capacity of each school and its rate of utilization;
 - (5) a report on the assessment of individual building and site conditions;
 - (6) a data table with historical and projected enrollment data by school by grade;
 - (7) community analysis, including a study of current and projected demographics, land usage, transportation plans, residential housing and commercial development, private schools, plans for water and sewage service expansion or redevelopment, and institutions of higher education;
 - (8) an analysis of the facility needs and requirements of the district; and
 - (9) identification of potential sources of funding for the implementation of the Educational Facility Master Plan.
- (d) On or before ~~July 1, 2013~~ ~~January 1, 2013~~, the chief executive officer or his or her designee shall prepare and distribute for comment a preliminary draft of the Educational Facility Master Plan. The draft plan shall be distributed to the City of Chicago, the County of Cook, the Chicago Park District, the Chicago Housing Authority, the Chicago Transit Authority, attendance centers operated by the district, and charter schools operating within the district. Each attendance center shall make the draft plan available to the local school council or alternative advisory body and to the parents, guardians, and staff of the school. The draft plan also shall be distributed to each State Senator and State Representative with a district in the City of Chicago, to the Mayor of the City of Chicago, and to each alderman of the City.
- (e) The chief executive or his or her designee shall publish a procedure for conducting public hearings and submitting public comments on the draft plan.
- (f) After consideration of public input on the draft plan, the chief executive officer or his or her designee shall prepare and publish a report describing the process used to incorporate public input in the development of the final plan to be recommended to the Board.
- (g) The chief executive officer shall present the final plan and report to the Board for final consideration and approval.
- (h) The final approved Educational Facility Master Plan shall be published on the district's website.
- (i) No later than January 1, 2016, and every 5 years thereafter, the chief executive officer or his or her designee shall prepare and submit for public comment a draft revised Educational Facility Master Plan following the procedures required for development of the original plan.
- (j) This proposed revised plan shall reflect the progress achieved during the first 2 1/2 years of the Educational Facility Master Plan.

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11.)

(105 ILCS 5/34-232 new)

Sec. 34-232. Proposed school action announcement and notice; 2012-2013 school year. The following apply for school actions proposed during the 2012-2013 school year:

(1) On or before March 31, 2013, the chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines published under Section 34-230 of this Code.

(2) On or before March 31, 2013, the chief executive officer shall publish notice of the proposed school actions.

(3) The chief executive officer shall provide notice of proposed school actions at least 15 calendar days in advance of a public hearing or meeting.

All other provisions of Section 34-230 of this Code that do not conflict with this Section must be followed when proposing school actions.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1957

AMENDMENT NO. 2. Amend House Bill 1957, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 4 and 5, by changing "Section 34-210" to "Sections 34-210, 34-225, and 34-230"; and

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on page 1, line 13, by changing "January 1, 2014" to "October 1, 2013"; and

on page 3, line 4, by changing "July 1, 2013" to "May 1, 2013"; and

on page 4, by inserting after line 13 the following:

"(105 ILCS 5/34-225)

Sec. 34-225. School transition plans.

(a) If the Board approves a school action, the chief executive officer or his or her designee shall work collaboratively with local school educators and families of students attending a school that is the subject of a school action to ensure successful integration of affected students into new learning environments.

(b) The chief executive officer or his or her designee shall prepare and implement a school transition plan to support students attending a school that is the subject of a school action that accomplishes the goals of this Section. The chief executive must identify and commit specific resources for implementation of the school transition plan for a minimum of the full first academic year after the board approves a school action.

(c) The school transition plan shall include the following:

(1) services to support the academic, social, and emotional needs of students; supports for students with disabilities, homeless students, and English language learners; and support to address security and safety issues;

(2) options to enroll in higher performing schools;

(3) informational briefings regarding the choice of schools that include all pertinent information to enable the parent or guardian and child to make an informed choice, including the option to visit the schools of choice prior to making a decision; and

(4) the provision of appropriate transportation where practicable.

(d) When implementing a school action, the Board must make reasonable and demonstrated efforts to ensure that:

(1) Affected students receive a comparable level of social support services provided by Chicago Public Schools that were available at the previous school, provided that the need for such social support services continue to exist; and

(2) Class sizes of any receiving school do not exceed those established under the Chicago Public Schools policy regarding class size, subject to principal discretion.

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 97-813, eff. 7-13-12.)

(105 ILCS 5/34-230)

Sec. 34-230. School action public meetings and hearings.

(a) By ~~October~~ November 1 of each year, the chief executive officer shall prepare and publish guidelines for school actions. The guidelines shall outline the academic and non-academic criteria for a school action. These guidelines shall be created with the involvement of local school councils, parents, educators, and community organizations. These guidelines, and each subsequent revision, shall be subject to a public comment period of at least 21 days before their approval.

(b) The chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines by December 1 of each year.

(c) On or before December 1 of each year, the chief executive officer shall publish notice of the proposed school actions.

(1) Notice of the proposal for a school action shall include a written statement of the basis for the school action, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of this Code for all schools affected by the school action. The notice shall state the date, time, and place of the hearing or meeting.

(2) The chief executive officer or his or her designee shall provide notice to the principal, staff, local school council, and parents or guardians of any school that is subject to the proposed school action.

(3) The chief executive officer shall provide written notice of any proposed school action to the State Senator, State Representative, and alderman for the school or schools that are subject to the proposed school action.

(4) The chief executive officer shall publish notice of proposed school actions on the district's Internet website.

(5) The chief executive officer shall provide notice of proposed school actions at least 30 calendar days in advance of a public hearing or meeting. The notice shall state the date, time, and place of the hearing or meeting. No Board decision regarding a proposed school action may take place

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less than 60 days after the announcement of the proposed school action.

(d) The chief executive officer shall publish a brief summary of the proposed school actions and the date, time, and place of the hearings or meetings in a newspaper of general circulation.

(e) The chief executive officer shall designate at least 3 opportunities to elicit public comment at a hearing or meeting on a proposed school action and shall do the following:

(1) Convene at least one public hearing at the centrally located office of the Board.

(2) Convene at least 2 additional public hearings or meetings at a location convenient to the school community subject to the proposed school action.

(f) Public hearings shall be conducted by a qualified independent hearing officer chosen from a list of independent hearing officers. The general counsel shall compile and publish a list of independent hearing officers by November 1 of each school year. The independent hearing officer shall have the following qualifications:

(1) he or she must be a licensed attorney eligible to practice law in Illinois;

(2) he or she must not be an employee of the Board; and

(3) he or she must not have represented the Board, its employees or any labor organization representing its employees, any local school council, or any charter or contract school in any capacity within the last year.

(4) The independent hearing officer shall issue a written report that summarizes the hearing and determines whether the chief executive officer complied with the requirements of this Section and the guidelines.

(5) The chief executive officer shall publish the report on the district's Internet website within 5 calendar days after receiving the report and at least 15 days prior to any Board action being taken.

(g) Public meetings shall be conducted by a representative of the chief executive officer. A summary of the public meeting shall be published on the district's Internet website within 5 calendar days after the meeting.

(h) If the chief executive officer proposes a school action without following the mandates set forth in this Section, the proposed school action shall not be approved by the Board during the school year in which the school action was proposed.

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 97-813, eff. 7-13-12; revised 10-17-12.)".

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 Martinez, **House Bill No. 1957** 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	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	McGuire	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Mr. President

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Frerichs	Landek	Pankau
Garrett	Lauzen	Radogno
Haine	Lightford	Raoul

This bill, having received the vote of three-fifths 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.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 282** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 282

AMENDMENT NO. 1. Amend Senate Bill 282 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Corporate Tax Disclosure and Responsibility Act.

Section 5. Definitions. As used in this Act:

"Corporation" means any entity subject to the tax imposed on corporations by Section 201 of the Illinois Income Tax or by Section 11 of the Internal Revenue Code of 1986, as amended, except that "qualified personal service corporations", as defined in Section 448 of the Internal Revenue Code of 1986, as amended, are exempt from this Act.

"Doing business in this State" means: owning or renting real or tangible personal property physically located in this State; having employees, agents, or representatives acting on the corporation's behalf in this State; making sales of tangible personal property to purchasers that take possession of that property in this State; performing services for customers located in this State; performing services in this State; earning income from intangible personal property that has a business situs in this State; engaging in regular and systematic solicitation of sales in this State; being a partner in a partnership engaged in any of the preceding activities in this State; or being a member of a limited liability company engaged in any of the preceding activities in this State.

Section 10. Tax disclosure statement required.

(a) For each taxable year ending on or after December 31, 2012, the following corporations, if doing business in this State, shall file a statement described in this Section with the Secretary of State:

(1) all publicly traded corporations, including corporations traded on foreign stock exchanges.

(2) any corporation with respect to which 50% or more of the voting stock is owned, directly or indirectly, by a publicly traded corporation.

(b) This statement shall be filed annually in an electronic format specified by the Secretary of State, pursuant to rules adopted by the Secretary of State, no more than 30 days following the filing of the corporation's tax return required under Section 502 of the Illinois Income Tax Act, or, in the case of a corporation that is not required to file such a tax return, within 90 days after the filing of the corporation's federal income tax return, including any federal consolidated return in which the corporation is included.

(c) The statement shall contain the following information:

(1) the name of the corporation and the street address of its principal executive office;

(2) if different from item (1), the name of any corporation that owns, directly or indirectly 50% or more of the voting stock of the corporation and the street address of that corporation's principal executive office;

(3) the corporation's 4-digit North American Industry Classification System code number;

(4) a unique code number, assigned by the Secretary of State, to identify the corporation; that code number shall remain constant from year to year; and

(5) the following information used in preparing or contained in the corporation's most

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recent tax return filed under the Illinois Income Tax Act, or, in the case of a corporation that is not required to file a tax return under the Illinois Income Tax Act, the information that would be required to be reported on or used in preparing the tax return if the corporation had been required to file such a return:

- (A) the taxable income of the corporation as modified by paragraphs 203(b)(2)(A) through 203(b)(2)(E-16) of the Illinois Income Tax Act;
- (B) the base income of the corporation;
- (C) the apportionment factor in the State for the corporation;
- (D) the total business income of the corporation apportioned to the State;
- (E) the Illinois net operating loss deduction for the corporation, if any;
- (F) the total non-business income of the corporation and the amount of non-business income allocated to the State;
- (G) the net income of the corporation;
- (H) the corporation's total State income tax liability before credits;
- (I) the corporation's total personal property tax replacement tax liability before credits;
- (J) tax credits claimed by the corporation, with each credit individually enumerated;
- (K) the net personal property tax replacement tax; and
- (L) the net corporate income tax.

(d) A corporation doing business in this State that is not required to file a tax return under Section 502 of the Illinois Income Tax Act may, in lieu of the statement under subsection (c), elect to file a statement with the Secretary of State containing the following information:

- (1) the information specified in items (1) through (4) of subsection (c) of this Section;
- (2) an explanation of why the corporation is not required to file a corporate income tax return in this State, which may take the form of checking one or more possible explanations drafted by the Secretary of State; and
- (3) a designation of whether the corporation's total gross receipts from sales to purchasers in this State during the taxable year was: (1) less than \$10,000,000; (2) \$10,000,000 or more but less than \$50,000,000; (3) \$50,000,000 or more but less than \$100,000,000; (4) \$100,000,000 or more but less than \$250,000,000; or (5) \$250,000,000 or more.

Section 20. Supplemental information. Any corporation that is required to submit a statement under this Act is permitted to submit supplemental information that, in the judgment of the corporation, could facilitate proper interpretation of the information included in the statement. The method of public dissemination of the information contained in the statements required under Section 35 of this Act shall ensure that any such supplemental information is publicly available and that notification of its availability is made to any person seeking information contained in the statement.

Section 25. Amended tax disclosure statements. If a corporation files an amended federal or State income tax return, then that corporation shall file a revised statement under this Section within 60 calendar days after the amended return is filed. If a corporation's tax liability for a tax year is changed as the result of an uncontested audit adjustment or final determination of liability by the Department of Revenue, or by a court of law as provided for in the Illinois Income Tax Act, then the corporation shall file a revised statement under this Section within 60 calendar days after the final determination of liability.

Section 30. Public access to tax disclosure statements. The statements required under this Act shall be public records. The Secretary of State shall make all information contained in those statements available to the public on an ongoing basis in the form of a searchable database accessible through the Internet. The Secretary of State shall set and collect from persons requesting information in the statements reasonable charges that cover the cost to the State of providing copies on appropriate computer-readable media of the entire database for statements filed during each calendar year as well as hard copies of any individual annual statement for a specific corporation. No statement for any corporation for a particular tax year shall be publicly available until the first day of the third calendar year following the calendar year in which the particular tax year ends.

Section 35. Enforcing compliance. The accuracy of the statements required under this Act shall be

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attested to in writing by the chief operating officer of the corporation, and shall be subject to audit by the Department of Revenue, as the agent of the Secretary of State, in the course of and under the normal procedures applicable to corporate income tax return audits. The Secretary of State by rule shall develop and implement an oversight and penalty system applicable to both the chief operating officer of the corporation and the corporation itself to ensure that corporations doing business in this State, including those not required to file a return under Section 502 of the Illinois Income Tax Act shall provide the required attestation and disclosure statements, respectively, in a timely and accurate manner. The maximum civil penalty may not exceed \$100 per statement for each day during which the corporation is delinquent in filing an original statement under Section 10 or an amended statement under Section 25. The Secretary of State shall publish the name and penalty imposed upon any corporation subject to a penalty for failing to file the required statement or filing an inaccurate statement.

Section 40. Rules. The Secretary of State shall adopt rules in accordance with the Illinois Administrative Procedure Act as may be deemed necessary to carry out the purposes of this Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 282

AMENDMENT NO. 2. Amend Senate Bill 282, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 7, immediately below line 24, by inserting the following:

"Section 45. Disclosure of confidential information. Nothing in this Act shall require reporting or allow disclosure of information that is confidential and may not be disclosed pursuant to the Internal Revenue Code or any other federal statute."; and

on page 8, by deleting line 1; and

on page 8, line 2, by deleting "becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

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.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 282** 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 30; NAYS 27.

The following voted in the affirmative:

Clayborne	Harmon	Link	Sandoval
Collins, A.	Hunter	Maloney	Schoenberg
Collins, J.	Hutchinson	Martinez	Silverstein
Crotty	Jones, E.	McGuire	Steans
Forby	Koehler	Mulroe	Trotter
Frerichs	Kotowski	Muñoz	Mr. President
Garrett	Landek	Noland	
Haine	Lightford	Raoul	

[November 28, 2012]

The following voted in the negative:

Althoff	Holmes	Luechtefeld	Rezin
Bivins	Jacobs	McCann	Righter
Bomke	Johnson, C.	McCarter	Sandack
Brady	Johnson, T.	Millner	Schmidt
Cultra	Jones, J.	Murphy	Sullivan
Dillard	LaHood	Pankau	Syverson
Duffy	Lauzen	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 therein.

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Tuesday, November 20, 2012 and journalized Wednesday, November 21, 2012, Senator Luechtefeld moved that **Senate Bill No. 681** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

YEAS 49; NAYS 4.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Martinez	Sandack
Brady	Jacobs	McCann	Sandoval
Collins, A.	Johnson, C.	McCarter	Schmidt
Crotty	Johnson, T.	McGuire	Schoenberg
Cultra	Jones, J.	Millner	Sullivan
Dillard	Koehler	Muñoz	Syverson
Duffy	Kotowski	Murphy	Trotter
Forby	LaHood	Noland	Mr. President
Frerichs	Landek	Pankau	
Garrett	Lauzen	Radogno	
Haine	Lightford	Raoul	

The following voted in the negative:

Clayborne	Maloney
Collins, J.	Silverstein

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

Senator Clayborne asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 681**.

Senator E. Jones III asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 681**.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the appointment messages.

[November 28, 2012]

The motion prevailed.

EXECUTIVE SESSION

MOTION IN WRITING

Senator Muñoz submitted the following Motion in Writing:

Pursuant to Senate Rule 10-1(c), as the Chairman of the Executive Appointments Committee, I move to compile the following Appointment Messages to be acted on together by a single vote of the Senate:

AMs 441, 442, 443, 444, 446, and 528 (Abraham Lincoln Presidential Library Advisory Board);
 AMs 454 and 455 (Employment Security Advisory Board);
 AM 456 (Illinois State Board of Investment);
 AM 457 (Chicago State University Board of Trustees);
 AMs 458, 459, and 460 (Kaskaskia Regional Port District Board);
 AMs 480, 481, 482, 483, and 484 (Southern Illinois Economic Development Authority);
 AMs 490, 491, and 492 (State Board of Education);
 AM 498 (Board of Trustees of Governors State University);
 AMs 513, 539, and 540 (Health Facilities Services and Review Board);
 AMs 514, 516, 517, 518, and 519 (Lottery Control Board);
 AM 521 (Weatherization Initiative Board);
 AMs 523 and 526 (Illinois Community College Board);
 AM 524 (Illinois Board of Higher Education);
 AM 537 and 538 (Illinois Finance Authority);
 AM 546 and 553 (Tri-County River Valley Development Authority Board)

Date: November 28, 2012

s/Antonio Muñoz
 ASSISTANT MAJORITY LEADER ANTONIO MUÑOZ
 CHAIR, EXECUTIVE APPOINTMENTS COMMITTEE

The foregoing Motion in Writing was filed with the Secretary and ordered placed on the Senate Calendar.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 125, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0125

Title of Office: Member

Agency or Other Body: Illinois Educational Labor Relations Board

Start Date: June 20, 2011

End Date: June 1, 2015

Name: Gilbert F. O'Brien, Jr.

Residence: 156 Tanglewood Dr., Glen Ellyn, IL 60137

Annual Compensation: \$93,926

Per diem: Not Applicable

[November 28, 2012]

Nominee's Senator: Senator Ron Sandack

Most Recent Holder of Office: Bridget Lamont

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 36; NAYS 15; Present 1.

The following voted in the affirmative:

Clayborne	Hunter	Martinez	Schoenberg
Collins, A.	Jacobs	McGuire	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Forby	Koehler	Muñoz	Trotter
Frerichs	Kotowski	Noland	Mr. President
Garrett	Landek	Radogno	
Haine	Lightford	Raoul	
Harmon	Link	Sandack	
Holmes	Maloney	Sandoval	

The following voted in the negative:

Althoff	Cultra	Lauzen	Rezin
Bivins	Duffy	McCann	Righter
Bomke	Johnson, C.	McCarter	Syverson
Brady	LaHood	Pankau	

The following voted present:

Murphy

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Luechtefeld asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Appointment Message No. 125**.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 126, reported the same back without recommendation:

Appointment Message No. 0126

Title of Office: Member

Agency or Other Body: Illinois Educational Labor Relations Board

Start Date: June 20, 2011

End Date: June 1, 2014

Name: Michael Smith

Residence: 1148 N. 1st Ave., Canton, IL 61520

[November 28, 2012]

Annual Compensation: \$93,926

Per diem: Not Applicable

Nominee's Senator: Senator David Koehler

Most Recent Holder of Office: Jimmie Robinson

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 33; NAYS 21.

The following voted in the affirmative:

Clayborne	Harmon	Maloney	Schoenberg
Collins, A.	Hunter	Martinez	Silverstein
Collins, J.	Jacobs	McGuire	Steans
Crotty	Jones, E.	Millner	Sullivan
Cultra	Koehler	Mulroe	Trotter
Forby	Kotowski	Muñoz	Mr. President
Frerichs	Landek	Noland	
Garrett	Lightford	Raoul	
Haine	Link	Sandoval	

The following voted in the negative:

Althoff	Johnson, T.	McCarter	Sandack
Bivins	Jones, J.	Murphy	Schmidt
Bomke	LaHood	Pankau	Syverson
Brady	Lauzen	Radogno	
Duffy	Luechtefeld	Rezin	
Johnson, C.	McCann	Righter	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 153, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0153

Title of Office: Chair

Agency or Other Body: Illinois Sports Facilities Authority

Start Date: July 18, 2011

End Date: June 30, 2014

Name: Emil Jones, Jr.

Residence: 1700 E. 56th Street Apt. 1202, Chicago, IL 60637

Annual Compensation: Expenses

[November 28, 2012]

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Joan M. Etten

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 46; NAY 1.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Clayborne	Hunter	McGuire	Schmidt
Collins, A.	Jacobs	Millner	Schoenberg
Collins, J.	Johnson, C.	Mulroe	Silverstein
Crotty	Johnson, T.	Muñoz	Steans
Cultra	Jones, E.	Murphy	Sullivan
Dillard	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Mr. President
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

The following voted in the negative:

Radogno

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 151, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0151

Title of Office: Member

Agency or Other Body: Illinois Sports Facilities Authority

Start Date: July 18, 2011

End Date: June 30, 2012

Name: Dennis J. Gannon

Residence: 1717 South Prairie Ave. Apt. 1903, Chicago, IL 60616

Annual Compensation: Expenses

Per diem: Not Applicable

[November 28, 2012]

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Timothy Ray

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 48; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Righter
Bivins	Holmes	Maloney	Sandack
Bomke	Hunter	Martinez	Sandoval
Brady	Jacobs	McCann	Schmidt
Clayborne	Johnson, C.	McGuire	Silverstein
Collins, A.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Trotter
Dillard	Kotowski	Murphy	Mr. President
Forby	LaHood	Pankau	
Frerichs	Lauzen	Radogno	
Garrett	Lightford	Raoul	
Haine	Link	Rezin	

The following voted present:

Noland

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 152, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0152

Title of Office: Member

Agency or Other Body: Illinois Sports Facilities Authority

Start Date: July 18, 2011

End Date: June 30, 2013

Name: Elzie L. Higginbottom

Residence: 1927 North Burling St., Chicago, IL 60614

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Annazette R. Collins

[November 28, 2012]

Most Recent Holder of Office: John McCarthy

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 46; NAY 1; Present 2.

The following voted in the affirmative:

Althoff	Haine	Maloney	Righter
Bivins	Harmon	Martinez	Sandack
Bomke	Holmes	McCann	Sandoval
Clayborne	Hunter	McGuire	Schmidt
Collins, A.	Johnson, C.	Millner	Schoenberg
Collins, J.	Johnson, T.	Mulroe	Silverstein
Crotty	Jones, E.	Muñoz	Steans
Cultra	Koehler	Murphy	Sullivan
Dillard	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Mr. President
Frerichs	Lauzen	Raoul	
Garrett	Luechtefeld	Rezin	

The following voted in the negative:

Jacobs

The following voted present:

Link

McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 365, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0365

Title of Office: Member

Agency or Other Body: Illinois DREAM Fund Commission

Start Date: February 4, 2012

End Date: Not Applicable

Name: Rigoberto Padilla

Residence: 5119 S. Maplewood Ave., Chicago, IL 60632

Annual Compensation: Not Applicable

Per diem: Not Applicable

[November 28, 2012]

Nominee's Senator: Senator Antonio Muñoz

Most Recent Holder of Office: Original Appointment

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 43; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Raoul
Bivins	Holmes	Maloney	Rezin
Brady	Hunter	Martinez	Sandack
Clayborne	Hutchinson	McGuire	Sandoval
Collins, A.	Jacobs	Millner	Schmidt
Collins, J.	Johnson, T.	Mulroe	Schoenberg
Crotty	Jones, E.	Muñoz	Steans
Dillard	Koehler	Murphy	Sullivan
Frerichs	Kotowski	Noland	Trotter
Garrett	Lightford	Pankau	Mr. President
Haine	Link	Radogno	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred Appointment Message 383, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Appointment Message No. 0383

Title of Office: Director

Agency or Other Body: Illinois Department of Agriculture

Start Date: February 15, 2012

End Date: January 21, 2013

Name: Robert F. Flider

Residence: 600 Fawn Court, Mt. Zion, IL 62549

Annual Compensation: \$133,273

Per diem: Not Applicable

Nominee's Senator: Senator Kyle McCarter

Most Recent Holder of Office: Thomas F. Jennings

Superseded Appointment Message: Not Applicable

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment.

[November 28, 2012]

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

YEAS 33; NAYS 16.

The following voted in the affirmative:

Clayborne	Hunter	Martinez	Schoenberg
Collins, A.	Hutchinson	McGuire	Silverstein
Collins, J.	Jacobs	Millner	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Trotter
Forby	Koehler	Noland	Mr. President
Frerichs	Lightford	Pankau	
Harmon	Link	Raoul	
Holmes	Maloney	Sandoval	

The following voted in the negative:

Bivins	Jones, J.	McCarter	Sandack
Brady	LaHood	Murphy	
Duffy	Lauzen	Radogno	
Haine	Luechtefeld	Rezin	
Johnson, C.	McCann	Righter	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Kotowski asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Appointment Message No. 383**.

On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator Harmon, presiding.

COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet immediately upon recess:

Executive in Room 212

COMMITTEE MEETING ANNOUNCEMENTS FOR NOVEMBER 29, 2012

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

Insurance in Room 400

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

Executive in Room 212
 Revenue in Room 400
 Licensed Activities in Room 409

At the hour of 2:10 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 5:02 o'clock p.m., the Senate resumed consideration of business.

[November 28, 2012]

Senator Sullivan, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 3 to Senate Bill 957
Senate Floor Amendment No. 3 to Senate Bill 1076

REPORT FROM STANDING COMMITTEE

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bill No. 3925**, 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 Harmon, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 3816, 4866 and 5151**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 821**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 821** was placed on the Secretary's Desk.

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

Senate Amendment No. 1 to Senate Bill 1076
Senate Amendment No. 2 to Senate Bill 1076

Senate Amendment No. 1 to Senate Bill 2722

Senate Amendment No. 4 to House Bill 506
Senate Amendment No. 3 to House Bill 2083
Senate Amendment No. 3 to House Bill 4666

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 999

Offered by Senator McCann and all Senators:
Mourns the death of Lawrence "Gary" Morrison.

SENATE RESOLUTION NO. 1000

Offered by Senator McCann and all Senators:
Mourns the death of Matthew W. Weyen of Carlinville.

SENATE RESOLUTION NO. 1001

Offered by Senator McCann and all Senators:
Mourns the death of Claribelle Miller of Carlinville.

SENATE RESOLUTION NO. 1002

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Offered by Senator McCann and all Senators:
Mourns the death of Brenda Kay McClain of Carlinville.

SENATE RESOLUTION NO. 1003

Offered by Senator Brady and all Senators:
Mourns the death of Eugene D. "Curly" Funk III of Bloomington.

SENATE RESOLUTION NO. 1005

Offered by Senator McCarter and all Senators:
Mourns the death of Illinois State Trooper Kyle W. Deatherage of Highland.

SENATE RESOLUTION NO. 1006

Offered by Senator Koehler and all Senators:
Mourns the death of the Reverend Tom C. "TC" Sturdivant.

SENATE RESOLUTION NO. 1007

Offered by Senators Cullerton - Radogno and all Senators:
Mourns the death of Juan Delgado Ortiz.

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

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

SENATE RESOLUTION NO. 1004

WHEREAS, The Illinois Department of Corrections is required by law to house inmates committed to State prison; and

WHEREAS, Various trends and factors, including population increases, sentencing laws, and recidivism rates have created circumstances in which the Illinois Department of Corrections is now required to house a record number of inmates in the prison system, with a total inmate population currently more than 48,000 inmates in a system designed for 33,700 inmates; and

WHEREAS, Due to the record number of inmates currently housed in prison in Illinois, several facilities are now at or above maximum operational capacity, requiring the Illinois Department of Corrections to house inmates in conditions that pose substantial safety risks, namely, prison areas never designed or intended for inmate housing, including, but not limited to, common areas such as prison gymnasiums, dayrooms, and program rooms; and

WHEREAS, Despite an overcrowded and understaffed prison system, the Governor has announced the closure of several facilities, including Tamms, Dwight and several Adult Transition Centers, as well as brokered the sale of the unused Thomson Correctional Center; and

WHEREAS, Overcrowded, understaffed prisons with inadequate facilities and work/treatment programs are a serious threat to staff, inmates and the citizens of this State; and

WHEREAS, The staff reductions, facility closures, and placement of dangerous inmates into medium security prisons has led to a rise in inmate violence; and

WHEREAS, The Governor's current policy has resulted in increased gang organization by the Latin Kings, Gangster Disciples and other well-known gangs; and

WHEREAS, Overcrowded prison conditions are counter-productive to the goals of imprisonment in this State; and

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WHEREAS, The Governor and Director of Corrections have failed to take action in this crisis; and

WHEREAS, Recent media reports indicate that the Illinois Department of Corrections has been understaffed and overcrowded for years, and the problem has only been made worse by an inept and even, in some cases, corrupt Illinois Department of Corrections administrative team; and

WHEREAS, The Governor has failed to respond to serious allegations against senior officials within the Illinois Department of Corrections; and

WHEREAS, These issues could be addressed by replacing senior agency officials, including the Director, Executive Chief, Deputy Chief of Operations and Southern Illinois Deputy Director; and

WHEREAS, The continued lack of transparency and lack of control by the Governor creates serious public safety concerns and allows for an environment of corruption; and

WHEREAS, The Governor's planned closures will result in a loss of more than 1,000 jobs; and

WHEREAS, Lawmakers provided funding for the facilities in the budget but this funding was later vetoed by the Governor; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate Appropriations Committees shall jointly review the misconduct and mismanagement in the Illinois Department of Corrections; and be it further

RESOLVED, That the Illinois Department of Corrections and any other State agency, entity, or person that may have information relevant to this investigation cooperate fully and promptly with the Committee's investigation; and be it further

RESOLVED, That the Illinois Department of Corrections develop comprehensive plans to ensure that the public is informed about the operations of all correctional and detention facilities within its jurisdiction and that those facilities are accountable to the General Assembly, the public, and the media; and be it further

RESOLVED, That the Governor seek the immediate resignations of the Director, Executive Chief, Deputy Chief of Operations and Southern Illinois Deputy Director, then begin an immediate internal investigation into the negligence and corruption within the Illinois Department of Corrections; and be it further

RESOLVED, That in order to immediately mitigate the severe overcrowding within the Illinois Department of Corrections facilities the Governor not close any of the proposed facilities; and be it further

RESOLVED, That the Senate Appropriations Committees jointly review the physical condition, the size and composition of the inmate population, and any specific and immediate needs of each correctional facility managed or operated by the State; and be it further

RESOLVED, That the Senate Appropriations Committees jointly hold public hearings, take testimony, and request detailed and specific information relating to the inmate population and staff of any individual correctional facility managed or operated by the State, as well as the State's prison system at large; and be it further

RESOLVED, That the Senate Appropriations Committees' joint review shall include, but not be limited to, the following areas:

- (1) a detailed composition of current prison populations and their respective requirements for effective reform;
- (2) the geographical location of inmate facilities and their respective needs;
- (3) employee locations, staffing levels, and the demands being placed on prison staffs within the State;
- (4) the physical condition of each of the State's correctional facilities and their

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respective needs;

(5) the potential necessity for a geriatric correctional facility;

(6) criminal sentencing guidelines;

(7) the economic impact created, at both the State and local levels, by each of the State's correctional facilities, with special attention given to any correctional facility recommended to be immediately or abruptly decommissioned and their respective populations moved throughout the remainder of the State's prison system; and be it further

RESOLVED, That the Senate Appropriations Committees shall jointly issue their findings and recommendations in a final report outlining a long-term objective plan for the State's correctional facilities, the populations they hold, and the workforce needed to best protect the citizens of Illinois, by September 1, 2013.

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

SENATE JOINT RESOLUTION NO. 80

WHEREAS, The 2012 drought has caused a significant impact on water levels on the Missouri and Mississippi Rivers; and

WHEREAS, In normal years, the Missouri River contributes 60% of the Mississippi River's flow south of St. Louis; the river currently contributes 78% of the flow; and

WHEREAS, The United States Army Corps of Engineers has stopped the release of water from upper Missouri River reservoirs, which has negatively impacted water levels on the Mississippi River; and

WHEREAS, With the continuing and projected lack of adequate precipitation, in combination with reduced flow, barge traffic restrictions or even the closure of the Mississippi River channel are imminent; and

WHEREAS, The Illinois and Midwest economies depend on the efficient shipment of grain, fertilizer, and other commodities on the Mississippi River; and

WHEREAS, The President of the United States has the authority to declare an emergency; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the President to take emergency action to ensure water levels do not fall below a level needed by commercial navigation on the Mississippi River; and be it further

RESOLVED, That we urge the Administration to direct the Army Corps of Engineers to avert potential economic disaster on this vital avenue that American farmers use to get their goods into the world market; and be it further

RESOLVED, That we urge the Army Corps of Engineers to expedite and fully implement alternative emergency measures to remedy this situation, including the dredging and removal of rock pinnacles in the Mississippi River south of St. Louis; and be it further

RESOLVED, That we further urge the Army Corps of Engineers to deviate from planned operations outlined in the Missouri River Master Water Control Manual and exercise its authority to address situations when circumstances justify deviation from the plan; and be it further

RESOLVED, That suitable copies of this resolution be delivered to President Barack Obama, the U.S. Army Corps of Engineers, each member of the Illinois Congressional Delegation, and Governor Pat Quinn.

[November 28, 2012]

MESSAGES FROM THE HOUSE

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

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

SENATE BILL NO. 547

A bill for AN ACT concerning local government.

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

House Amendment No. 1 to SENATE BILL NO. 547

House Amendment No. 2 to SENATE BILL NO. 547

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 547

AMENDMENT NO. 1. Amend Senate Bill 547 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 34-210 and by adding Section 34-232 as follows:

(105 ILCS 5/34-210)

Sec. 34-210. The Educational Facility Master Plan.

(a) In accordance with the schedule set forth in this Article, the chief executive officer or his or her designee shall prepare a 10-year educational facility master plan every 5 years, with updates 2 1/2 years after the approval of the initial 10-year plan, with the first such educational facility master plan to be approved on or before ~~January 1, 2014~~ ~~July 1, 2013~~.

(b) The educational facility master plan shall provide community area level plans and individual school master plans with options for addressing the facility and space needs for each facility operated by the district over a 10-year period.

(c) The data, information, and analysis that shall inform the educational facility master plan shall be published on the district's Internet website and shall include the following:

(1) a description of the district's guiding educational goals and standards;

(2) a brief description of the types of instructional programs and services delivered
in each school;

(3) a description of the process, procedure, and timeline for community participation in
the development of the plan;

(4) the enrollment capacity of each school and its rate of utilization;

(5) a report on the assessment of individual building and site conditions;

(6) a data table with historical and projected enrollment data by school by grade;

(7) community analysis, including a study of current and projected demographics, land usage, transportation plans, residential housing and commercial development, private schools, plans for water and sewage service expansion or redevelopment, and institutions of higher education;

(8) an analysis of the facility needs and requirements of the district; and

(9) identification of potential sources of funding for the implementation of the
Educational Facility Master Plan.

(d) On or before ~~July 1, 2013~~ ~~January 1, 2013~~, the chief executive officer or his or her designee shall prepare and distribute for comment a preliminary draft of the Educational Facility Master Plan. The draft plan shall be distributed to the City of Chicago, the County of Cook, the Chicago Park District, the Chicago Housing Authority, the Chicago Transit Authority, attendance centers operated by the district, and charter schools operating within the district. Each attendance center shall make the draft plan available to the local school council or alternative advisory body and to the parents, guardians, and staff of the school. The draft plan also shall be distributed to each State Senator and State Representative with a district in the City of Chicago, to the Mayor of the City of Chicago, and to each alderman of the City.

(e) The chief executive or his or her designee shall publish a procedure for conducting public hearings and submitting public comments on the draft plan.

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(f) After consideration of public input on the draft plan, the chief executive officer or his or her designee shall prepare and publish a report describing the process used to incorporate public input in the development of the final plan to be recommended to the Board.

(g) The chief executive officer shall present the final plan and report to the Board for final consideration and approval.

(h) The final approved Educational Facility Master Plan shall be published on the district's website.

(i) No later than January 1, 2016, and every 5 years thereafter, the chief executive officer or his or her designee shall prepare and submit for public comment a draft revised Educational Facility Master Plan following the procedures required for development of the original plan.

(j) This proposed revised plan shall reflect the progress achieved during the first 2 1/2 years of the Educational Facility Master Plan.

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11.)

(105 ILCS 5/34-232 new)

Sec. 34-232. Proposed school action announcement and notice; 2012-2013 school year. The following apply for school actions proposed during the 2012-2013 school year:

(1) On or before March 31, 2013, the chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines published under Section 34-230 of this Code.

(2) On or before March 31, 2013, the chief executive officer shall publish notice of the proposed school actions.

(3) The chief executive officer shall provide notice of proposed school actions at least 15 calendar days in advance of a public hearing or meeting.

All other provisions of Section 34-230 of this Code that do not conflict with this Section must be followed when proposing school actions.

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

AMENDMENT NO. 2 TO SENATE BILL 547

AMENDMENT NO. 2. Amend Senate Bill 547, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, lines 4 and 5, by changing "Section 34-210" to "Sections 34-210, 34-225, and 34-230"; and

on page 1, line 13, by changing "January 1, 2014" to "October 1, 2013"; and

on page 3, line 4, by changing "July 1, 2013" to "May 1, 2013"; and

on page 4, by inserting after line 13 the following:

"(105 ILCS 5/34-225)

Sec. 34-225. School transition plans.

(a) If the Board approves a school action, the chief executive officer or his or her designee shall work collaboratively with local school educators and families of students attending a school that is the subject of a school action to ensure successful integration of affected students into new learning environments.

(b) The chief executive officer or his or her designee shall prepare and implement a school transition plan to support students attending a school that is the subject of a school action that accomplishes the goals of this Section. The chief executive must identify and commit specific resources for implementation of the school transition plan for a minimum of the full first academic year after the board approves a school action.

(c) The school transition plan shall include the following:

(1) services to support the academic, social, and emotional needs of students; supports for students with disabilities, homeless students, and English language learners; and support to address security and safety issues;

(2) options to enroll in higher performing schools;

(3) informational briefings regarding the choice of schools that include all pertinent information to enable the parent or guardian and child to make an informed choice, including the option to visit the schools of choice prior to making a decision; and

(4) the provision of appropriate transportation where practicable.

(d) When implementing a school action, the Board must make reasonable and demonstrated efforts to ensure that:

(1) Affected students receive a comparable level of social support services provided by Chicago

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Public Schools that were available at the previous school, provided that the need for such social support services continue to exist; and

(2) Class sizes of any receiving school do not exceed those established under the Chicago Public Schools policy regarding class size, subject to principal discretion.

(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 97-813, eff. 7-13-12.)

(105 ILCS 5/34-230)

Sec. 34-230. School action public meetings and hearings.

(a) By ~~October~~ ~~November~~ 1 of each year, the chief executive officer shall prepare and publish guidelines for school actions. The guidelines shall outline the academic and non-academic criteria for a school action. These guidelines shall be created with the involvement of local school councils, parents, educators, and community organizations. These guidelines, and each subsequent revision, shall be subject to a public comment period of at least 21 days before their approval.

(b) The chief executive officer shall announce all proposed school actions to be taken at the close of the current academic year consistent with the guidelines by December 1 of each year.

(c) On or before December 1 of each year, the chief executive officer shall publish notice of the proposed school actions.

(1) Notice of the proposal for a school action shall include a written statement of the basis for the school action, an explanation of how the school action meets the criteria set forth in the guidelines, and a draft School Transition Plan identifying the items required in Section 34-225 of this Code for all schools affected by the school action. The notice shall state the date, time, and place of the hearing or meeting.

(2) The chief executive officer or his or her designee shall provide notice to the principal, staff, local school council, and parents or guardians of any school that is subject to the proposed school action.

(3) The chief executive officer shall provide written notice of any proposed school action to the State Senator, State Representative, and alderman for the school or schools that are subject to the proposed school action.

(4) The chief executive officer shall publish notice of proposed school actions on the district's Internet website.

(5) The chief executive officer shall provide notice of proposed school actions at least 30 calendar days in advance of a public hearing or meeting. The notice shall state the date, time, and place of the hearing or meeting. No Board decision regarding a proposed school action may take place less than 60 days after the announcement of the proposed school action.

(d) The chief executive officer shall publish a brief summary of the proposed school actions and the date, time, and place of the hearings or meetings in a newspaper of general circulation.

(e) The chief executive officer shall designate at least 3 opportunities to elicit public comment at a hearing or meeting on a proposed school action and shall do the following:

(1) Convene at least one public hearing at the centrally located office of the Board.

(2) Convene at least 2 additional public hearings or meetings at a location convenient to the school community subject to the proposed school action.

(f) Public hearings shall be conducted by a qualified independent hearing officer chosen from a list of independent hearing officers. The general counsel shall compile and publish a list of independent hearing officers by November 1 of each school year. The independent hearing officer shall have the following qualifications:

(1) he or she must be a licensed attorney eligible to practice law in Illinois;

(2) he or she must not be an employee of the Board; and

(3) he or she must not have represented the Board, its employees or any labor organization representing its employees, any local school council, or any charter or contract school in any capacity within the last year.

(4) The independent hearing officer shall issue a written report that summarizes the hearing and determines whether the chief executive officer complied with the requirements of this Section and the guidelines.

(5) The chief executive officer shall publish the report on the district's Internet website within 5 calendar days after receiving the report and at least 15 days prior to any Board action being taken.

(g) Public meetings shall be conducted by a representative of the chief executive officer. A summary of the public meeting shall be published on the district's Internet website within 5 calendar days after the meeting.

(h) If the chief executive officer proposes a school action without following the mandates set forth in this Section, the proposed school action shall not be approved by the Board during the school year in

which the school action was proposed.
(Source: P.A. 97-473, eff. 1-1-12; 97-474, eff. 8-22-11; 97-813, eff. 7-13-12; revised 10-17-12.)".

Under the rules, the foregoing **Senate Bill No. 547**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 551

A bill for AN ACT concerning local government.

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

House Amendment No. 1 to SENATE BILL NO. 551

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 551

AMENDMENT NO. 1. Amend Senate Bill 551 by replacing everything after the enacting clause with the following:

"Section 5. "AN ACT concerning State government", approved December 19, 2011, (Public Act 97-639) is amended by changing Section 5-15 as follows:

(P.A. 97-639, Section 5-15)

Sec. 5-15. The Adjutant General shall not convey the real property described in Section 5-10 to the City of Salem until the Adjutant General determines that the property is no longer required for military purposes. In this regard, construction of the new Readiness Center in Mt. Vernon Salem must be completed, and all military units with associated equipment must have been transferred from the armory property described in Section 5-10 to the new Readiness Center in Mt. Vernon Salem. Conveyance of the above real property will be in an "as is" condition, subject to an Historic Preservation Covenant on the armory buildings as approved by the Illinois Historic Preservation Agency, and the City of Salem will pay all required costs and expenses of the conveyance, as determined by the Adjutant General.
(Source: P.A. 97-639, eff. 12-19-11.)".

Under the rules, the foregoing **Senate Bill No. 551**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 678

A bill for AN ACT concerning regulation.

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

House Amendment No. 3 to SENATE BILL NO. 678

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 678

AMENDMENT NO. 3. Amend Senate Bill 678 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.23 and 4.24 as follows:

(5 ILCS 80/4.23)

Sec. 4.23. ~~Act Acts and Sections~~ repealed on January 1, 2013. The following ~~Act is Acts and Sections~~

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~~of Acts are~~ repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.

~~Section 2.5 of the Illinois Plumbing License Law.~~

(Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts and Section repealed on January 1, 2014. The following Acts and Section of an Act are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Occupational Therapy Practice Act.

The Illinois Public Accounting Act.

The Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

~~Section 2.5 of the Illinois Plumbing License Law.~~

The Veterinary Medicine and Surgery Practice Act of 2004.

(Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07.)

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

Under the rules, the foregoing **Senate Bill No. 678**, with House Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 2915

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 2915

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2915

AMENDMENT NO. 1. Amend Senate Bill 2915 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.23 as follows:

(5 ILCS 80/4.23)

Sec. 4.23. Acts and Sections repealed on January 1, 2013 and December 31, 2013.

(a) The following Acts and Sections of Acts are repealed on January 1, 2013:

The Dietetic and Nutrition Services Practice Act.

Section 2.5 of the Illinois Plumbing License Law.

(b) The following Acts and Sections are repealed on December 31, 2013:

The Medical Practice Act of 1987.

(Source: P.A. 96-1499, eff. 1-18-11; 97-706, eff. 6-25-12; 97-778, eff. 7-13-12; 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff. 8-22-12; 97-1130, eff. 8-28-12; revised 9-20-12.)

(5 ILCS 80/4.22 rep.)

Section 10. The Regulatory Sunset Act is amended by repealing Section 4.22.

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

Under the rules, the foregoing **Senate Bill No. 2915**, with House Amendment No. 1, was referred to the Secretary's Desk.

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A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3237

A bill for AN ACT concerning regulation.

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

House Amendment No. 2 to SENATE BILL NO. 3237

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3237

AMENDMENT NO. 2. Amend Senate Bill 3237 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Plumbing License Law is amended by changing Sections 11 and 16 as follows:

(225 ILCS 320/11) (from Ch. 111, par. 1110)

Sec. 11. The Director shall issue a plumber's license to each applicant who successfully passes the examination and has paid to the Department the required license fee. Each plumber's license shall be issued in the name of the Department with the seal thereof attached. Each plumber's license shall be composed of a solid plastic card that includes a photo of the licensed plumber printed directly on the card.

A person once licensed as a plumber under the provisions of this Act shall not be relicensed except by renewal or restoration of such license as provided in this Act.

(Source: P.A. 83-878.)

(225 ILCS 320/16) (from Ch. 111, par. 1115)

Sec. 16. (1) Any city, village or incorporated town, having a population of 500,000 or more may, by an ordinance containing provisions substantially the same as those in this Act and specifying educational or experience requirements equivalent to those prescribed in this Act, provide for a board of plumbing examiners to conduct examinations for, and to issue, suspend, or revoke, plumbers' licenses, within such city, village or incorporated town. Upon the enactment of such ordinance the provisions of this act shall not apply within any such municipality except as otherwise provided herein.

(2) Any person licensed as a plumber pursuant to such ordinance, or licensed by the Department under this Act, may engage in plumbing anywhere in this State.

(3) Any board of plumbing examiners created pursuant to this Section shall maintain a current record similar to that required of the Director by Section 8 of this Act, and shall provide the Department with a copy thereof. The Department shall be advised of changes in such record at least every six months.

(4) In the event that the plumbing contractor's license is suspended or revoked by any city, village, or incorporated town, having a population of 500,000 or more, the city, village, or incorporated town shall notify the Department.

(5) Any city, village, or incorporated town having a population of 500,000 or more that licenses an individual as a plumber shall provide a license composed of a solid plastic card that includes a photo of the licensed plumber printed directly on the card.

(Source: P.A. 97-365, eff. 1-1-12.)".

Under the rules, the foregoing **Senate Bill No. 3237**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3245

A bill for AN ACT concerning government.

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

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House Amendment No. 2 to SENATE BILL NO. 3245
 House Amendment No. 3 to SENATE BILL NO. 3245
 Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 3245

AMENDMENT NO. 2. Amend Senate Bill 3245 by replacing everything after the enacting clause with the following:

"Section 5. The State Comptroller Act is amended by changing Section 1 as follows:
 (15 ILCS 405/1) (from Ch. 15, par. 201)

Sec. 1. Short title. This Act shall be known and ~~and~~ may be cited as the "State Comptroller Act".
 (Source: P.A. 77-2807)."

AMENDMENT NO. 3 TO SENATE BILL 3245

AMENDMENT NO. 3. Amend Senate Bill 3245, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Comptroller Act is amended by changing Section 9 as follows:
 (15 ILCS 405/9) (from Ch. 15, par. 209)

Sec. 9. Warrants; vouchers; preaudit.

(a) No payment may be made from public funds held by the State Treasurer in or outside of the State treasury, except by warrant drawn by the Comptroller and presented by him to the treasurer to be countersigned except for payments made pursuant to Section 9.03 or 9.05 of this Act.

(b) No warrant for the payment of money by the State Treasurer may be drawn by the Comptroller without the presentation of itemized vouchers indicating that the obligation or expenditure is pursuant to law and authorized, and authorizing the Comptroller to order payment.

(b-1) An itemized voucher for under \$5 that is presented to the Comptroller for payment shall not be paid except through electronic funds transfer. This subsection (b-1) does not apply to (i) vouchers presented by the legislative branch of State government or (ii) vouchers presented by the State Treasurer's Office for the payment of unclaimed property claims authorized under the Uniform Disposition of Unclaimed Property Act.

(c) The Comptroller shall examine each voucher required by law to be filed with him and determine whether unencumbered appropriations or unencumbered obligational or expenditure authority other than by appropriation are legally available to incur the obligation or to make the expenditure of public funds. If he determines that unencumbered appropriations or other obligational or expenditure authority are not available from which to incur the obligation or make the expenditure, the Comptroller shall refuse to draw a warrant.

(d) The Comptroller shall examine each voucher and all other documentation required to accompany the voucher, and shall ascertain whether the voucher and documentation meet all requirements established by or pursuant to law. If the Comptroller determines that the voucher and documentation do not meet applicable requirements established by or pursuant to law, he shall refuse to draw a warrant. As used in this Section, "requirements established by or pursuant to law" includes statutory enactments and requirements established by rules and regulations adopted pursuant to this Act.

(e) Prior to drawing a warrant, the Comptroller may review the voucher, any documentation accompanying the voucher, and any other documentation related to the transaction on file with him, and determine if the transaction is in accordance with the law. If based on his review the Comptroller has reason to believe that such transaction is not in accordance with the law, he shall refuse to draw a warrant.

(f) Where the Comptroller refuses to draw a warrant pursuant to this Section, he shall maintain separate records of such transactions.

(g) State agencies shall have the principal responsibility for the preaudit of their encumbrances, expenditures, and other transactions as otherwise required by law.

(Source: P.A. 97-969, eff. 8-16-12.)

Section 10. The State Prompt Payment Act is amended by changing Section 3-2 as follows:
 (30 ILCS 540/3-2)

Sec. 3-2. Beginning July 1, 1993, in any instance where a State official or agency is late in payment of

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a vendor's bill or invoice for goods or services furnished to the State, as defined in Section 1, properly approved in accordance with rules promulgated under Section 3-3, the State official or agency shall pay interest to the vendor in accordance with the following:

(1) Any bill, except a bill submitted under Article V of the Illinois Public Aid Code and except as provided under paragraph (1.05) of this Section, approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60-day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made. Any bill, except a bill for pharmacy or nursing facility services or goods, and except as provided under paragraph (1.05) of this Section, submitted under Article V of the Illinois Public Aid Code approved for payment under this Section must be paid or the payment issued to the payee within 60 days after receipt of a proper bill or invoice, and, if payment is not issued to the payee within this 60-day period, an interest penalty of 2.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made. Any bill for pharmacy or nursing facility services or goods submitted under Article V of the Illinois Public Aid Code, except as provided under paragraph (1.05) of this Section, and approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60-day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made.

(1.05) For State fiscal year 2012 and future fiscal years, any bill approved for payment under this Section must be paid or the payment issued to the payee within 90 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 90-day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month, or 0.033% (one-thirtieth of one percent) ~~00.0033% (1/30%)~~ of any amount approved and unpaid for each day, after the end of this 90-day period, until final payment is made.

(1.1) A State agency shall review in a timely manner each bill or invoice after its receipt. If the State agency determines that the bill or invoice contains a defect making it unable to process the payment request, the agency shall notify the vendor requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under Section 3-3; provided, however, that the notice for construction related bills or invoices must be given not later than 30 days after the bill or invoice was first submitted. The notice shall identify the defect and any additional information necessary to correct the defect. If one or more items on a construction related bill or invoice are disapproved, but not the entire bill or invoice, then the portion that is not disapproved shall be paid.

(2) Where a State official or agency is late in payment of a vendor's bill or invoice properly approved in accordance with this Act, and different late payment terms are not reduced to writing as a contractual agreement, the State official or agency shall automatically pay interest penalties required by this Section amounting to \$50 or more to the appropriate vendor. Each agency shall be responsible for determining whether an interest penalty is owed and for paying the interest to the vendor. Except as provided in paragraph (4), an individual interest payment amounting to \$5 or less shall not be paid by the State. Interest due to a vendor that amounts to greater than \$5 and less than \$50 shall not be paid but shall be accrued until all interest due the vendor for all similar warrants exceeds \$50, at which time the accrued interest shall be payable and interest will begin accruing again, except that interest accrued as of the end of the fiscal year that does not exceed \$50 shall be payable at that time. In the event an individual has paid a vendor for services in advance, the provisions of this Section shall apply until payment is made to that individual.

(3) The provisions of Public Act 96-1501 reducing the interest rate on pharmacy claims under Article V of the Illinois Public Aid Code to 1.0% per month shall apply to any pharmacy bills for services and goods under Article V of the Illinois Public Aid Code received on or after the date 60 days before January 25, 2011 (the effective date of Public Act 96-1501) except as provided under paragraph (1.05) of this Section.

(4) Interest amounting to less than \$5 shall not be paid by the State, except for claims (i) to the Department of Healthcare and Family Services or the Department of Human Services, (ii) pursuant to Article V of the Illinois Public Aid Code, the Covering ALL KIDS Health Insurance Act, or the Children's Health Insurance Program Act, and (iii) made (A) by pharmacies for prescriptive services or (B) by any federally qualified health center for prescriptive services or any other services.

(Source: P.A. 96-555, eff. 8-18-09; 96-802, eff. 1-1-10; 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10; 96-

1501, eff. 1-25-11; 96-1530, eff. 2-16-11; 97-72, eff. 7-1-11; 97-74, eff. 6-30-11; 97-348, eff. 8-12-11; 97-813, eff. 7-13-12; 97-932, eff. 8-10-12.)

Section 15. The Governmental Account Audit Act is amended by changing Sections 2, 3, and 4 as follows:

(50 ILCS 310/2) (from Ch. 85, par. 702)

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

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

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

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

(50 ILCS 310/3) (from Ch. 85, par. 703)

Sec. 3. Any governmental unit receiving revenue of less than \$850,000 for any fiscal year shall, in lieu of complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller a financial report containing information required by the Comptroller. In addition, a governmental unit receiving revenue of less than \$850,000 may file with the Comptroller any audit reports which may have been prepared under any other law. Any governmental unit receiving revenue of \$850,000 or more for any fiscal year shall, in addition to complying with the requirements of Section 2 for audits and audit reports, file with the Comptroller the financial report required by this Section. Such financial reports shall be on forms so designed by the Comptroller as not to require professional accounting services for its preparation. All reports to be filed with the Comptroller under this Section must be submitted electronically and the Comptroller must post the reports on the Internet no later than 45 days after they are received. If the governmental unit provides the Comptroller's Office with sufficient evidence that the report cannot be filed electronically, the Comptroller may waive this requirement. The Comptroller must also post a list of governmental units municipalities that are not in compliance with the reporting requirements set forth in this Section.

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

(Source: P.A. 97-890, eff. 8-2-12.)

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

Sec. 4. Overdue report.

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

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

natural disaster or (ii) if the Comptroller determines that the cost of an audit would impose an unreasonable financial burden on the governmental unit.

(c) The State Comptroller may grant extensions for delinquent audits or reports. The Comptroller may charge a governmental unit a fee for a delinquent audit or report of \$5 per day for the first 15 days past due, \$10 per day for 16 through 30 days past due, \$15 per day for 31 through 45 days past due, and \$20 per day for the 46th day and every day thereafter. All fees collected under this subsection (c) shall be deposited into the Comptroller's Administrative Fund. (Source: P.A. 97-890, eff. 8-2-12.)

Section 20. The Counties Code is amended by changing Sections 6-31003 and 6-31004 as follows:
(55 ILCS 5/6-31003) (from Ch. 34, par. 6-31003)

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

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

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

Within 60 days of receipt of an audit report, each county board shall file one copy of each audit report and each financial report with the Comptroller and any comment or explanation that the county board may desire to make concerning such audit report may be attached thereto. An audit report which fails to meet the requirements of this Division shall be rejected by the Comptroller and returned to the county board for corrective action. One copy of each such report shall be filed with the county clerk of the county so audited.

This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule counties of powers and functions exercised by the State. (Source: P.A. 97-890, eff. 8-2-12; 97-932, eff. 8-10-12; revised 8-23-12.)

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

Sec. 6-31004. Overdue reports.

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

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

(c) The State Comptroller may grant extensions for delinquent audits or reports. The Comptroller may charge a county a fee for a delinquent audit or report of \$5 per day for the first 15 days past due, \$10 per day for 16 through 30 days past due, \$15 per day for 31 through 45 days past due, and \$20 per day for

the 46th day and every day thereafter. All fees collected under this subsection (c) shall be deposited into the Comptroller's Administrative Fund.

(Source: P.A. 97-890, eff. 8-2-12.)

Section 25. The Illinois Municipal Code is amended by changing Sections 8-8-3 and 8-8-4 as follows: (65 ILCS 5/8-8-3) (from Ch. 24, par. 8-8-3)

Sec. 8-8-3. Audit requirements.

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

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

(c) Municipalities of less than 800 population which do not own or operate public utilities and do not have bonded debt, shall file annually with the Comptroller a financial report containing information required by the Comptroller. Such annual financial report shall be on forms devised by the Comptroller in such manner as to not require professional accounting services for its preparation.

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

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

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

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

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

(Source: P.A. 96-1309, eff. 7-27-10; 97-890, eff. 8-2-12; 97-932, eff. 8-10-12; revised 8-23-12.)

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

Sec. 8-8-4. Overdue reports.

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

municipality, the Comptroller shall notify the corporate authorities of that municipality in writing that the annual or supplemental report is due and may grant an extension in time of 60 days for the filing of such annual or supplemental report.

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

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

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

(Source: P.A. 97-890, eff. 8-2-12.)".

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

Under the rules, the foregoing **Senate Bill No. 3245**, with House Amendments numbered 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3338

A bill for AN ACT concerning elections.

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

House Amendment No. 1 to SENATE BILL NO. 3338

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3338

AMENDMENT NO. 1. Amend Senate Bill 3338 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 1-4 and 25-7 as follows:

(10 ILCS 5/1-4) (from Ch. 46, par. 1-4)

Sec. 1-4.

(a) In any case in which this Act prescribes a period of time within which petitions for nomination must be filed, the office in which petitions must be filed shall remain open for the receipt of such petitions until 5:00 P.M. on the last day of the filing period.

(b) For the 2013 consolidated election period, an election authority or local election official shall accept until 104 days before the election at which candidates are to be on the ballot any petitions for nomination or certificate of nomination required by this Code to be filed no earlier than 113 and no later than 106 days before the consolidated election. Notwithstanding any other provision of this Code, for purposes of this subsection (b) only, signatures and circulator statements on petitions for nomination filed with an election authority or local election official on the final day for filing petitions for nomination shall not be deemed invalid for the sole reason that the petitions were circulated between 90 and 92 days before the last day for filing petitions.

(Source: P.A. 80-1469.)

(10 ILCS 5/25-7) (from Ch. 46, par. 25-7)

Sec. 25-7.

[November 28, 2012]

(a) When any vacancy shall occur in the office of representative in congress from this state more than 180 days before the next general election, the Governor shall issue a writ of election within 5 days after the occurrence of that vacancy to the county clerks of the several counties in the district where the vacancy exists, appointing a day within 115 days of issuance of the writ to hold a special election to fill such vacancy.

(b) Notwithstanding subsection (a) of this Section or any other law to the contrary, a special election to fill a vacancy in the office of representative in congress occurring less than 60 days following the 2012 general election shall be held as provided in this subsection (b). A special primary election shall be held on February 26, 2013, and a special election shall be held on April 9, 2013.

Except as provided in this subsection (b), the provisions of Article 7 of this Code are applicable to petitions for the special primary election and special election. Petitions for nomination in accordance with Article 7 shall be filed in the principal office of the State Board of Elections not more than 54 and not less than 50 days prior to the date of the special primary election, excluding Saturday and Sunday. Petitions for the nomination of independent candidates and candidates of new political parties shall be filed in the principal office of the State Board of Elections not more than 68 and not less than 64 days prior to the date of the special election, excluding Saturday and Sunday.

Except as provided in this subsection, the State Board of Elections shall have authority to establish, in conjunction with the impacted election authorities, an election calendar for the special election and special primary.

If an election authority is unable to have a sufficient number of ballots printed so that ballots will be available for mailing at least 46 days prior to the special primary election or special election to persons who have filed an application for a ballot under the provisions of Article 20 of this Code, the election authority shall, no later than 45 days prior to each election, mail to each of those persons a Special Write-in Absentee Voter's Blank Ballot in accordance with Section 16-5.01 of this Code. The election authority shall advise those persons that the names of candidates to be nominated or elected shall be available on the election authority's website and shall provide a phone number the person may call to request the names of the candidates for nomination or election.

(Source: P.A. 78-781.)

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

Under the rules, the foregoing **Senate Bill No. 3338**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

SENATE BILL NO. 3430

A bill for AN ACT concerning State government.

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

House Amendment No. 1 to SENATE BILL NO. 3430

House Amendment No. 2 to SENATE BILL NO. 3430

Passed the House, as amended, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3430

AMENDMENT NO. 1. Amend Senate Bill 3430 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-105 as follows:

(20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

Sec. 405-105. Fidelity, surety, property, and casualty insurance. The Department shall establish and implement a program to coordinate the handling of all fidelity, surety, property, and casualty insurance exposures of the State and the departments, divisions, agencies, branches, and universities of the State. In performing this responsibility, the Department shall have the power and duty to do the following:

[November 28, 2012]

- (1) Develop and maintain loss and exposure data on all State property.
- (2) Study the feasibility of establishing a self-insurance plan for State property and prepare estimates of the costs of reinsurance for risks beyond the realistic limits of the self-insurance.
- (3) Prepare a plan for centralizing the purchase of property and casualty insurance on State property under a master policy or policies and purchase the insurance contracted for as provided in the Illinois Purchasing Act.
- (4) Evaluate existing provisions for fidelity bonds required of State employees and recommend changes that are appropriate commensurate with risk experience and the determinations respecting self-insurance or reinsurance so as to permit reduction of costs without loss of coverage.
- (5) Investigate procedures for inclusion of school districts, public community college districts, and other units of local government in programs for the centralized purchase of insurance.
- (6) Implement recommendations of the State Property Insurance Study Commission that the Department finds necessary or desirable in the performance of its powers and duties under this Section to achieve efficient and comprehensive risk management.
- (7) Prepare and, in the discretion of the Director, implement a plan providing for the purchase of public liability insurance or for self-insurance for public liability or for a combination of purchased insurance and self-insurance for public liability (i) covering the State and drivers of motor vehicles owned, leased, or controlled by the State of Illinois pursuant to the provisions and limitations contained in the Illinois Vehicle Code, (ii) covering other public liability exposures of the State and its employees within the scope of their employment, and (iii) covering drivers of motor vehicles not owned, leased, or controlled by the State but used by a State employee on State business, in excess of liability covered by an insurance policy obtained by the owner of the motor vehicle or in excess of the dollar amounts that the Department shall determine to be reasonable. Any contract of insurance let under this Law shall be by bid in accordance with the procedure set forth in the Illinois Purchasing Act. Any provisions for self-insurance shall conform to subdivision (11).

The term "employee" as used in this subdivision (7) and in subdivision (11) means a person while in the employ of the State who is a member of the staff or personnel of a State agency, bureau, board, commission, committee, department, university, or college or who is a State officer, elected official, commissioner, member of or ex officio member of a State agency, bureau, board, commission, committee, department, university, or college, or a member of the National Guard while on active duty pursuant to orders of the Governor of the State of Illinois, or any other person while using a licensed motor vehicle owned, leased, or controlled by the State of Illinois with the authorization of the State of Illinois, provided the actual use of the motor vehicle is within the scope of that authorization and within the course of State service.

Subsequent to payment of a claim on behalf of an employee pursuant to this Section and after reasonable advance written notice to the employee, the Director may exclude the employee from future coverage or limit the coverage under the plan if (i) the Director determines that the claim resulted from an incident in which the employee was grossly negligent or had engaged in willful and wanton misconduct or (ii) the Director determines that the employee is no longer an acceptable risk based on a review of prior accidents in which the employee was at fault and for which payments were made pursuant to this Section.

The Director is authorized to promulgate administrative rules that may be necessary to establish and administer the plan.

Appropriations from the Road Fund shall be used to pay auto liability claims and related expenses involving employees of the Department of Transportation, the Illinois State Police, and the Secretary of State.

(8) Charge, collect, and receive from all other agencies of the State government fees or monies equivalent to the cost of purchasing the insurance.

(9) Establish, through the Director, charges for risk management services rendered to State agencies by the Department. The State agencies so charged shall reimburse the Department by vouchers drawn against their respective appropriations. The reimbursement shall be determined by the Director as amounts sufficient to reimburse the Department for expenditures incurred in rendering the service.

The Department shall charge the employing State agency or university for workers' compensation payments for temporary total disability paid to any employee after the employee has received temporary total disability payments for 120 days if the employee's treating physician has issued a release to return to work with restrictions and the employee is able to perform modified duty work but the employing State agency or university does not return the employee to work at modified duty. Modified duty shall be duties assigned that may or may not be delineated as part of the duties

regularly performed by the employee. Modified duties shall be assigned within the prescribed restrictions established by the treating physician and the physician who performed the independent medical examination. The amount of all reimbursements shall be deposited into the Workers' Compensation Revolving Fund which is hereby created as a revolving fund in the State treasury. In addition to any other purpose authorized by law, moneys in the Fund shall be used, subject to appropriation, to pay these or other temporary total disability claims of employees of State agencies and universities.

Beginning with fiscal year 1996, all amounts recovered by the Department through subrogation in workers' compensation and workers' occupational disease cases shall be deposited into the Workers' Compensation Revolving Fund created under this subdivision (9).

(10) ~~Establish Through December 31, 2012, establish~~ rules, procedures, and forms to be used by State agencies in the administration and payment of workers' compensation claims. ~~For claims filed prior to July 1, 2013 Through December 31, 2012,~~ the Department shall initially evaluate and determine the compensability of any injury that is the subject of a workers' compensation claim and provide for the administration and payment of such a claim for all State agencies. For claims filed on or after July 1, 2013, the Department shall retain responsibility for certain administrative payments including, but not limited to, payments to the private vendor contracted to perform services under subdivision (10b) of this Section, payments related to travel expenses for employees of the Office of the Attorney General, and payments to internal Department staff responsible for the oversight and management of any contract awarded pursuant to subdivision (10b) of this Section. Through December 31, 2012, the Director may delegate to any agency with the agreement of the agency head the responsibility for evaluation, administration, and payment of that agency's claims. Neither the Department nor the private vendor contracted to perform services under subdivision (10b) of this Section shall be responsible for providing workers' compensation services to State agencies and universities that maintain self-funded workers' compensation liability programs.

(10a) By April 1 of each year prior to calendar year 2013, the Director must report and provide information to the State Workers' Compensation Program Advisory Board concerning the status of the State workers' compensation program for the next fiscal year. Information that the Director must provide to the State Workers' Compensation Program Advisory Board includes, but is not limited to, documents, reports of negotiations, bid invitations, requests for proposals, specifications, copies of proposed and final contracts or agreements, and any other materials concerning contracts or agreements for the program. By the first of each month prior to calendar year 2013, the Director must provide updated, and any new, information to the State Workers' Compensation Program Advisory Board until the State workers' compensation program for the next fiscal year is determined.

(10b) No later than January 1, 2013, the chief procurement officer appointed under paragraph (4) of subsection (a) of Section 10-20 of the Illinois Procurement Code (hereinafter "chief procurement officer"), in consultation with the Department of Central Management Services, shall procure one or more private vendors to administer, ~~beginning January 1, 2013,~~ the program providing payments for workers' compensation liability with respect to the employees of all State agencies. The chief procurement officer may procure a single contract applicable to all State agencies or multiple contracts applicable to one or more State agencies. If the chief procurement officer procures a single contract applicable to all State agencies, then the Department of Central Management Services shall be designated as the agency that enters into the contract and shall be responsible for the contract. If the chief procurement officer procures multiple contracts applicable to one or more State agencies, each agency to which the contract applies shall be designated as the agency that shall enter into the contract and shall be responsible for the contract. If the chief procurement officer procures contracts applicable to an individual State agency, the agency subject to the contract shall be designated as the agency responsible for the contract.

(10c) The procurement of private vendors for the administration of the workers' compensation program for State employees is subject to the provisions of the Illinois Procurement Code and administration by the chief procurement officer.

(10d) Contracts for the procurement of private vendors for the administration of the workers' compensation program for State employees shall be based upon, but limited to, the following criteria: (i) administrative cost, (ii) service capabilities of the vendor, and (iii) the compensation (including premiums, fees, or other charges). A vendor for the administration of the workers' compensation program for State employees shall provide services, including, but not limited to:

(A) providing a web-based case management system and provide access to the Office

- of the Attorney General;
- (B) ensuring claims adjusters are available to provide testimony or information as requested by the Office of the Attorney General;
 - (C) establishing a preferred provider program for all State agencies and facilities; and
 - (D) authorizing the payment of medical bills at the preferred provider discount rate.

(10e) By September 15, 2012, the Department of Central Management Services shall prepare a plan to effectuate the transfer of responsibility and administration of the workers' compensation program for State employees to the selected private vendors. The Department shall submit a copy of the plan to the General Assembly.

(11) Any plan for public liability self-insurance implemented under this Section shall provide that (i) the Department shall attempt to settle and may settle any public liability claim filed against the State of Illinois or any public liability claim filed against a State employee on the basis of an occurrence in the course of the employee's State employment; (ii) any settlement of such a claim is not subject to fiscal year limitations and must be approved by the Director and, in cases of settlements exceeding \$100,000, by the Governor; and (iii) a settlement of any public liability claim against the State or a State employee shall require an unqualified release of any right of action against the State and the employee for acts within the scope of the employee's employment giving rise to the claim.

Whenever and to the extent that a State employee operates a motor vehicle or engages in other activity covered by self-insurance under this Section, the State of Illinois shall defend, indemnify, and hold harmless the employee against any claim in tort filed against the employee for acts or omissions within the scope of the employee's employment in any proper judicial forum and not settled pursuant to this subdivision (11), provided that this obligation of the State of Illinois shall not exceed a maximum liability of \$2,000,000 for any single occurrence in connection with the operation of a motor vehicle or \$100,000 per person per occurrence for any other single occurrence, or \$500,000 for any single occurrence in connection with the provision of medical care by a licensed physician employee.

Any claims against the State of Illinois under a self-insurance plan that are not settled pursuant to this subdivision (11) shall be heard and determined by the Court of Claims and may not be filed or adjudicated in any other forum. The Attorney General of the State of Illinois or the Attorney General's designee shall be the attorney with respect to all public liability self-insurance claims that are not settled pursuant to this subdivision (11) and therefore result in litigation. The payment of any award of the Court of Claims entered against the State relating to any public liability self-insurance claim shall act as a release against any State employee involved in the occurrence.

(12) Administer a plan the purpose of which is to make payments on final settlements or final judgments in accordance with the State Employee Indemnification Act. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose, except that indemnification expenses for employees of the Department of Transportation, the Illinois State Police, and the Secretary of State shall be paid from the Road Fund. The term "employee" as used in this subdivision (12) has the same meaning as under subsection (b) of Section 1 of the State Employee Indemnification Act. Subject to sufficient appropriation, the Director shall approve payment of any claim, without regard to fiscal year limitations, presented to the Director that is supported by a final settlement or final judgment when the Attorney General and the chief officer of the public body against whose employee the claim or cause of action is asserted certify to the Director that the claim is in accordance with the State Employee Indemnification Act and that they approve of the payment. In no event shall an amount in excess of \$150,000 be paid from this plan to or for the benefit of any claimant.

(13) Administer a plan the purpose of which is to make payments on final settlements or final judgments for employee wage claims in situations where there was an appropriation relevant to the wage claim, the fiscal year and lapse period have expired, and sufficient funds were available to pay the claim. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose.

Subject to sufficient appropriation, the Director is authorized to pay any wage claim presented to the Director that is supported by a final settlement or final judgment when the chief officer of the State agency employing the claimant certifies to the Director that the claim is a valid wage claim and that the fiscal year and lapse period have expired. Payment for claims that are properly submitted and certified as valid by the Director shall include interest accrued at the rate of 7% per annum from the forty-fifth day after the claims are received by the Department or 45 days

from the date on which the amount of payment is agreed upon, whichever is later, until the date the claims are submitted to the Comptroller for payment. When the Attorney General has filed an appearance in any proceeding concerning a wage claim settlement or judgment, the Attorney General shall certify to the Director that the wage claim is valid before any payment is made. In no event shall an amount in excess of \$150,000 be paid from this plan to or for the benefit of any claimant.

Nothing in Public Act 84-961 shall be construed to affect in any manner the jurisdiction of the Court of Claims concerning wage claims made against the State of Illinois.

(14) Prepare and, in the discretion of the Director, implement a program for self-insurance for official fidelity and surety bonds for officers and employees as authorized by the Official Bond Act.

(Source: P.A. 96-928, eff. 6-15-10; 97-18, eff. 6-28-11; 97-895, eff. 8-3-12.)

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

AMENDMENT NO. 2 TO SENATE BILL 3430

AMENDMENT NO. 2. Amend Senate Bill 3430, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

"on page 7, lines 8 and 9, by replacing "State agencies and" with "the Illinois State Toll Highway Authority or to State".

Under the rules, the foregoing **Senate Bill No. 3430**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5547

A bill for AN ACT concerning revenue.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5547

Non-concurred in by the House, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

Under the rules, the foregoing **House Bill No. 5547**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 5825

A bill for AN ACT concerning education.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5825

Senate Amendment No. 2 to HOUSE BILL NO. 5825

Concurred in by the House, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

[November 28, 2012]

HOUSE JOINT RESOLUTION NO. 45

WHEREAS, The Illinois House of Representatives has established prudent fiscal parameters for the State budget with House Resolution 110, which required the House Revenue & Finance Committee to set the total amount of general fund expenses for Fiscal Year 2012, and House Resolution 158, which required that any amount of additional State revenue be used to pay the backlog of unpaid State obligations rather than being spent on more State services; and

WHEREAS, The Illinois House of Representatives passed the two fiscally responsible resolutions by a vote of 112-0-0 for House Resolution 110 and 114-0-2 for House Resolution 158, respectively; and

WHEREAS, The Illinois House of Representatives established prudent fiscal parameters for the State budget with House Resolution 707, which required the House Revenue & Finance Committee to set the total amount of general fund expenses for Fiscal Year 2013, and House Resolution 706, which required that any amount of additional State revenue be used to pay the backlog of unpaid State obligations rather than being spent on more State services; and

WHEREAS, The Illinois House of Representatives passed the two fiscally responsible resolutions by a vote of 93-11-5 for House Resolution 707 and 91-16-3 for House Resolution 706, respectively; and

WHEREAS, The Illinois House and the Illinois Senate passed several State budget bills that held spending under the House Revenue & Finance Committee's State revenue estimate; and

WHEREAS, The State of Illinois would have paid employees represented by the American Federation of State, County, and Municipal Employees (AFSCME) an estimated \$2,762,956,700 in all funds for payroll costs before the House of Representatives and the Senate reduced the budget for Fiscal Year 2012; and

WHEREAS, The Cost of Living Allowance (COLA) for employees represented by the American Federation of State, County, and Municipal Employees (AFSCME) has averaged an increase of 4.25% over the past 5 fiscal years; and

WHEREAS, The Consumer Price Index has averaged an increase of 1.95% from the years 2007 to 2010; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the State shall appropriate no amount for new wage increases associated with any and all collectively bargained contracts throughout State government for the Fiscal Year 2013 budget; and be it further

RESOLVED, That it shall be the policy of the State of Illinois that the size of, or a reduction in, the State employee workforce shall not be a topic of collective bargaining.

Adopted by the House, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 45 was referred to the Committee on Assignments.

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

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

HOUSE JOINT RESOLUTION NO. 101

[November 28, 2012]

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in doing so, have gone above and beyond the call of duty to take part in truly heroic tasks; and

WHEREAS, Of the millions of men and women who have served this country with the Army, Navy, Air Force, Marines, or Coast Guard, only 3,468 have ever been awarded the highest military decoration awarded by the United States government, the Medal of Honor; and

WHEREAS, The Medal of Honor is awarded for conspicuous gallantry and intrepidity at the risk of one's life above and beyond the call of duty while engaged in an action against any enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; and

WHEREAS, It is a true honor for an individual to be awarded the Medal of Honor and serves to distinguish those individuals as true American heroes; and

WHEREAS, Allen J. Lynch was born on October 28, 1945, in Chicago; he grew up in the Lake Eliza area of Indiana, where he attended Union Center Elementary School and Wheeler Junior High School; and

WHEREAS, After graduating from high school, Allen Lynch joined the United States Army in 1964; he was later sent to Vietnam in the fall of 1966 and was assigned to the 12th Cavalry; he served as a rifleman for several months before becoming his platoon's radiotelephone operator; and

WHEREAS, On December 15, 1967, Allen Lynch was serving as a specialist four in Company D, 1st Battalion (Airmobile), 12th Cavalry Regiment of the 1st Cavalry Division (Airmobile); during a firefight near the Binh Dinh Province of Vietnam, he saw 3 wounded soldiers out in the open who were under intense enemy fire; he quickly dropped his radio and went to help the soldiers; under intense fire, he carried the wounded soldiers to safety and single-handedly defended them against the advancing enemy force for several hours; and

WHEREAS, Following this courageous action, Allen Lynch was subsequently promoted to the rank of sergeant and awarded the Medal of Honor for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty; and

WHEREAS, Allen Lynch's quick thinking and disregard for his own safety were vital in saving those lives, but his fight on behalf of his fellow soldiers did not end on the battlefield; after the war, he settled in Gurnee and worked for the Department of Veterans Affairs, where he advocated for increased benefits for disabled veterans; he later served as chief of the Illinois Attorney General's Veterans Rights Bureau until his retirement in 2005; and

WHEREAS, Allen Lynch continues his dedication to our nation as a volunteer with the Vietnam Veterans of America organization; he serves as the liaison for the Congressional Medal of Honor Society and frequently gives speeches at military-related events; he also performs ministry work with the Lake County Jail; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the Grand Avenue Overpass over Interstate 94 in Gurnee as the "Allen J. Lynch Congressional Medal of Honor Overpass"; and be it further

RESOLVED, That upon completion of any unfinished sections of highway, the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to Allen J. Lynch, his family, the

[November 28, 2012]

Village of Gurnee, the Lake County Board, the Lake County Veterans Assistance Commission, the Secretary of the Illinois Department of Transportation, and the Illinois State Toll Highway Authority.

Adopted by the House, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 101 was referred to the Committee on Assignments.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE JOINT RESOLUTION NO. 102

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated October 1, 2012, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the request made by Marshall CUSD C-2 - Clark, with respect to non-resident tuition for children of full-time employees of the school district, identified in the report filed by the State Board of Education as request WM100-5671, is approved for allowing the district to claim the average daily attendance of such students on its State Aid Claim and is disapproved for charging such students tuition; and be it further

RESOLVED, That the request made by Bureau Valley CUSD 340 - Bureau, Lee, and Whiteside, with respect to non-resident tuition for children of full-time employees of the school district, identified in the report filed by the State Board of Education as request WM100-5656, is approved for allowing the district to claim the average daily attendance of such students on its State Aid Claim and is disapproved for charging such students tuition.

Adopted by the House, November 28, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 102 was referred to the Committee on Assignments.

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 547
 Motion to Concur in House Amendment 2 to Senate Bill 3237
 Motion to Concur in House Amendment 1 to Senate Bill 3338

At the hour of 5:16 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

[November 28, 2012]

At the hour of 5:28 o'clock p.m., the Senate resumed consideration of business.
 Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 2 to Senate Bill 957; Senate Floor Amendment No. 3 to Senate Bill 957; Senate Floor Amendment No. 3 to Senate Bill 1076.**

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 547
 Motion to Concur in House Amendment 1 to Senate Bill 3338**

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported the following House Resolution has been assigned to the indicated Standing Committee of the Senate:

Executive: **House Joint Resolution No. 45.**

Senator Harmon, Chairperson of the Committee on Assignments, during its November 28, 2012 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Joint Resolution No. 80

The foregoing resolution was placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS FOR NOVEMBER 29, 2012

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

Insurance in Room 400

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

Executive in Room 212
 Revenue in Room 400
 Licensed Activities in Room 409

COMMUNICATION

**ILLINOIS STATE SENATE
 DON HARMON
 PRESIDENT PRO TEMPORE
 39TH DISTRICT**

November 26, 2012

[November 28, 2012]

Tim Anderson
Secretary of the Senate
State house Room 401
Springfield, IL 62706

Dear Secretary Anderson,

It has come to my attention that the attached letter from October 12, 2011, is not available in the Senate Journal Room. I ask that you please ensure it is part of the public record.

Thank you for your prompt attention to this matter.

Sincerely,
s/Don Harmon
Don Harmon

**ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT**

October 12, 2011

The Honorable
Jillayne Rock
Secretary of the Senate
Illinois State Senate
Capitol Building
Springfield, Illinois

Dear Madame Secretary:

Pursuant to 3-202 of the Illinois Governmental Ethics Act, I hereby disclose a potential personal conflict situation stemming from the Governor's recent veto of Senate Bill 1651 and legislative efforts to address that veto during the General Assembly's Fall Veto Session.

While serving as a State Senator, I am also employed as an attorney at the law firm Burke Burns & Pinelli, Ltd. (the "firm"). Periodically, other attorneys at the firm have represented Commonwealth Edison ("ComEd"), the main proponent of Senate Bill 1652, in various litigation matters not involving the legislature or legislative process. I do not participate in these matters nor do I personally benefit financially from these matters.

Moreover, it is my view that above representation does not create an actual conflict of interest, but nonetheless wish to disclose the existence of the representation to the Senate. I make this disclosure in anticipation of efforts to take action on the Governor's veto of Senate Bill 1652 and pursue subsequent legislation (i.e., a "trailer bill") that I will negotiate in a capacity adverse to the interests of ComEd.

Jillayne Rock
Secretary of the Senate
October 12, 2011
Page 2 of 2

Finally, should a satisfactory trailer bill be passed by the General Assembly, I would consider voting to override the Governor's veto of Senate Bill 1652 so long as the trailer bill provided adequate protections for the constituents I represent.

Sincerely,
s/Don Harmon
Don Harmon

[November 28, 2012]

At the hour of 5:30 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, November 29, 2012, at 10:30 o'clock a.m.