STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

102ND LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

FRIDAY, JULY 27, 2007

9:17 O'CLOCK A.M.

NO. 102

HOUSE OF REPRESENTATIVES
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102nd Legislative Day

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The House met pursuant to adjournment.
Speaker of the House Madigan in the chair.
Speaker of the House Madigan asked for leave to use the Quorum Roll Call from the First Special Session to convene the One Hundred Second Legislative Day Regular Session.
Leave was granted.

LETTER OF TRANSMITTAL

July 27, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to July 31, 2007 for the following Bill:

House Bill: 3388.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendments to a bill of the following title, to-wit:
SENATE BILL NO. 1592
A bill for AN ACT concerning regulation.
House Amendment No. 5 to SENATE BILL NO. 1592.
House Amendment No. 6 to SENATE BILL NO. 1592.
Action taken by the Senate, July 26, 2007, by a three-fifths vote.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 22
Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 48

Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 51

Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 64

Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 65

Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 69

Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 70
Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 28
Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 31
Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 66
Concurred in the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:
SENATE JOINT RESOLUTION NO. 54

WHEREAS, The provision of a free, appropriate public education for a student with a visual impairment can occur only with the proper concentrated services, equipment, appropriately certified staff, and access to education; and

WHEREAS, Children and youth who are visually impaired face unique and significant barriers related to their instruction that profoundly affect most aspects of the educational process, including the impact of ever changing technology and the world it encompasses; and

WHEREAS, Blindness and visual impairments are often considered secondary disabilities, thus the specialized educational needs of the blind and visually impaired are rarely fully addressed; and

WHEREAS, Children and youth with visual impairments are guaranteed an education in the least restrictive setting, determined on an individual basis, meaning that they are entitled to be integrated as fully as possible into the regular classroom, as appropriate; and

WHEREAS, Full access to education depends upon an educational environment that utilizes the appropriate materials and properly and fully trained staff and provides for direct communication between staff, students, parents, and peers; and

WHEREAS, The Illinois School for the Visually Impaired should become the go-to facility for best teaching practices regarding programs for children with visual impairments and the statewide center for training, technical assistance, outreach, and specialized curriculum development; and

WHEREAS, The Illinois School for the Visually Impaired should include on-going training and technical assistance for itinerant, mainstream, and private school educators; and

WHEREAS, The Illinois School for the Visually Impaired should include specific programming on visual impairments for teaching and rehabilitation professionals from both the State Board of Education and the Department of Human Services; and

WHEREAS, While unemployment in the nation continues to drop, the unemployment rate for people with visual impairments is over 70%; and

WHEREAS, There should be greater access to transitional services for students who are blind or visually impaired entering vocational rehabilitation services and employment; and

WHEREAS, Successful transitional programs may result in better services and jobs, knowledgeable self-advocates, and achievement of competitive outcomes; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created the Joint Task Force on Blind and Visually Impaired Educational Options, consisting of the following members, appointed as follows:

(1) the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall each appoint one member;

(2) the Governor shall appoint a parent representative from the Illinois School for the Visually Impaired and 3 regional parent representatives, one each from northern, central, and southern Illinois;

(3) the following entities shall each appoint one member: the State Board of Education, the Department of Human Services, the Illinois School for the Visually Impaired, the Illinois Association of Regional Superintendents of Schools, the LightHouse for the Blind and Visually Impaired, the Illinois School for the Visually Impaired Alumni Association, the National Federation of the Blind of Illinois, the Illinois Council of the Blind, Early Intervention, the Illinois Association for Education and Rehabilitation, the Illinois Vision Leadership Council, the Philip J. Rock Center, the Helen Keller National Center, the Illinois Committee of Blind Vendors, Illinois Parents of the Visually Impaired, the Blind Services Planning Council, the Illinois School for the Visually Impaired's Advisory Board, the Visual Disabilities education program at Northern Illinois University, and the Specialist in Low Vision and Blindness education program at Illinois State University; and be it further

RESOLVED, That the State representative and State senator who represent the districts that are home to the Illinois School for the Visually Impaired shall serve as co-chairpersons of the Task Force; and be it further

RESOLVED, That all members of the Task Force shall serve without compensation; and be it further

RESOLVED, That the duty of the Task Force is to undertake a comprehensive and thorough review of the education of and services available to the blind and visually impaired children of this State with the intent of making recommendations that would recognize the need for delivering full educational services to a blind or visually impaired student, ensure that schools have the most updated and adequate equipment to provide services to blind and visually impaired students, and recognize the need for teachers trained in the unique needs of blind and visually impaired students; recommending research-based methods and procedures to develop curricula for blind and visually impaired students; and providing a comprehensive review of the needs and operation of all educational entities providing services to students who are blind or

visually impaired, including the Illinois School for the Visually Impaired; and be it further

RESOLVED, That the Task Force should look towards states that have successful, independent, and adequate educational models for students with visual impairments, such as the Washington State School for the Blind; and be it further

RESOLVED, That the State Board of Education and the Department of Human Services shall together administer and prepare all reports deemed necessary in conjunction with the Task Force's activities; and be it further

RESOLVED, That the Task Force may request assistance from any entity necessary or useful for the performance of the Task Force's duties; and be it further

RESOLVED, That the Task Force shall report its recommendations to the General Assembly on or before December 31, 2008; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor, the State Board of Education, the Department of Human Services, the Illinois School for the Visually Impaired, the Illinois Association of Regional Superintendents of Schools, the LightHouse for the Blind and Visually Impaired, the Illinois School for the Visually Impaired Alumni Association, the National Federation of the Blind of Illinois, the Illinois Council of the Blind, Early Intervention, the Illinois Association for Education and Rehabilitation, the Illinois Vision Leadership Council, the Philip J. Rock Center, the Helen Keller National Center, the Illinois Committee of Blind Vendors, Illinois Parents of the Visually Impaired, the Blind Services Planning Council, the Illinois School for the Visually Impaired's Advisory Board, the Visual Disabilities education program at Northern Illinois University, and the Specialist in Low Vision and Blindness education program at Illinois State University.

Adopted by the Senate, July 27, 2007.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:

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

HOUSE BILL 3388

A bill for AN ACT concerning regulation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 3388

Passed the Senate, as amended, July 27, 2007.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 3388 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Article XXIII as follows:

(220 ILCS 5/Art. XXIII heading new)

ARTICLE XXIII. CLEAN COAL DEVELOPMENT PROGRAM LAW

(220 ILCS 5/23-101 new)

Sec. 23-101. Short title. This Article may be cited as the Clean Coal Development Program Law.

(220 ILCS 5/23-105 new)

Sec. 23-105. Findings. The General Assembly finds that:

(a) Growth of the State's population and economic base has created a need for new baseload electric generation capacity in Illinois.

(b) Illinois has considerable natural resources that are currently underutilized and could support development of new baseload electric power at an affordable price.

(c) The development of new baseload electric generating capacity is needed if the State is to continue to be successful in attracting new businesses and jobs.

(d) Certain regions of the State, such as central and southern Illinois, could benefit greatly from new

employment opportunities created by development of baseload electric generating plants utilizing the plentiful supply of Illinois Basin coal.

(e) Technology can be deployed that allows high sulfur Illinois Basin coal to be burned efficiently while meeting strict State and federal air quality limitations. Specifically, the State shall encourage the use of advanced clean coal technology, such as Integrated Gasification Combined Cycle (IGCC) technology.

(f) The development of new baseload electric generating plants, as contemplated in the Clean Coal Development Program Law, will create benefits to all consumers of electricity in the State by reducing market energy prices and electric capacity prices through increased supply. Such benefits will include lower and more stable prices for electricity.

(220 ILCS 5/23-110 new)

Sec. 23-110. Definitions. For the purposes of this Article, the following terms shall be defined as set forth in this Section.

The terms defined in Section 16-102 of the Public Utilities Act have the meanings ascribed to them in that Act.

"Actual total capital costs" means, as more specifically set forth in the service agreement or agreements for a clean coal project, the total initial capital costs recoverable by such clean coal project pursuant to its wholesale sales tariff upon completion of such clean coal project.

"CCN" means a certificate of convenience and necessity.

"Clean coal project" means any existing or planned electric generating project that has a wholesale tariff pursuant to the Federal Power Act and that is designed (1) to have a nameplate capacity of no less than 400 megawatts gross, (2) to be directly interconnected with a participating electric utility, (3) to utilize integrated gasification combined cycle technology, and (4) to utilize as its primary fuel or feedstock coal having high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content and for which a final air permit, whether or not subject to a petition for review before the Environmental Appeals Board, has been issued that describes the project as having a designed nameplate capacity of no less than 400 megawatts gross. When warranted by the usage, "clean coal project" shall mean the owner, operator, or lessee of a clean coal project.

"Core plant construction cost ceiling" means, as more specifically set forth in the service agreement or agreements for a given clean coal project, $2,500 per kilowatt of net design capacity (excluding for this purpose any power required for carbon capture) of a clean coal project expressed in January 2007 nominal dollars, adjusted for inflation using the producer price index published by the U.S. Bureau of Labor Statistics to the date upon that the core plant construction cost quote for such clean coal project is expressed.

"Core plant construction cost quote" means, as more specifically set forth for a clean coal project in the applicable service agreement or agreements, a price quote or estimate prepared by a reputable engineering and construction services firm (or group of firms) for the costs payable to one or more contractors or suppliers for the engineering, procurement, and construction of the core plant facilities comprising a clean coal project. Such core plant facilities shall include all civil, structural, mechanical, electrical, control, and safety systems associated with the following major core plant functional areas: air separation, coal grinding and slurry preparation, gasification and high temperature synthesis gas cooling, low temperature synthesis gas cooling, acid gas removal, sulfur recovery, tail gas treatment, combined cycle power block, coal fines and slag handling, and water and wastewater treatment at the plant site. The quote or estimate shall be based on detailed design work sufficient to permit quantification of major categories of materials, commodities, and labor man hours, and receipt of quotes from vendors of major equipment packages. The costs shall be expressed in nominal dollars as of the date of the estimate and shall be exclusive of construction financing costs, taxes, insurance, and an escalation in materials and labor beyond the date as of which the core plant construction cost quote is expressed, costs associated with non-core plant interconnection facilities for electric transmission, natural gas supply, water supply and coal delivery, and other non-core plant costs. For purposes of Section 23-145, the core plant construction cost quote shall be expressed in nominal dollars per kilowatt of net design capacity of the clean coal project by dividing the core plant construction cost quote by the net design capacity of the clean coal project, excluding for this purpose any power required for carbon capture.

"FERC" means the Federal Energy Regulatory Commission, an independent regulatory commission within the Department of Energy established by Section 401 of the Department of Energy Organization Act, or any agency succeeding to the powers thereof under Section 205 of the Federal Power Act.

"Final air permit" means a Prevention of Significant Deterioration of Air Quality (PSD) Construction Permit issued on or before December 31, 2010.

"Formula rate" means a formula used to calculate a cost-based rate for the sale of electric capacity and associated energy from a clean coal project set forth in the applicable wholesale sales tariff.

"FutureGen demonstration project" means a 10-year demonstration project sponsored by the United States to create a zero-emissions electricity and hydrogen power plant that:

(1) is not otherwise eligible to participate in the Clean Coal Development Program;

(2) is designed to include all of the following:

(A) have a nameplate capacity of not greater than 300 megawatts gross;

(B) be directly interconnected with a participating electric utility; and

(C) utilize as its primary fuel or feedstock coal having high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content; and

(3) has a planned construction start date not later than December 31, 2010.

"Participating electric utility" means any Illinois electric utility as defined in the Public Utilities Act that as of the effective date of this Act provides delivery services to more than 100,000 electric customers in Illinois.

"Service agreement" means a service agreement for the sale of electric capacity and associated energy from a clean coal project substantively identical to the pro forma service agreement contained in the applicable wholesale sales tariff.

"Total capital cost target" means the net design output of the clean coal project (excluding for this purpose any power requirements for carbon capture), expressed in kilowatts times $3,850, as adjusted in accordance with the following:

(1) such amount shall be increased by any reasonably estimated increase in any total capital costs per kilowatt that results from the core plant construction cost quote, as approved by the Commission in accordance with item (3) of Section 23-145 of this Article, being higher than the core plant construction cost ceiling;

(2) such amount shall be decreased or increased, as the case may be, by the amount, if any, by which actual total capital costs per kilowatt are decreased or increased due to positive or negative price escalation provided for under the applicable contract or contracts for the core plant construction, with any escalation in commodity prices being based on published indices;

(3) such amount shall be increased by the amount of any additional capital costs per kilowatt that are justly and reasonably incurred due to a change in law or regulation enacted after the date the applicable service agreement is executed by the participating electric utility; and

(4) such amount shall be increased by any increase in total capitalized financing costs per kilowatt resulting from a clean coal project not receiving Illinois moral obligation bond financing or tax exempt finance volume cap allocation in the amounts preliminarily approved for such clean coal project by the Illinois Finance Authority or not receiving state grants equal to at least 15% of the total capital cost target.

"Wholesale sales tariff" means a schedule of rates, terms, and conditions for the sale of electric capacity and associated energy from a clean coal project filed with FERC by the owner, lessee, or operator of that clean coal project and allowed by FERC to become effective pursuant to Section 205 of the Federal Power Act and Part 35 of FERC's regulations.

(220 ILCS 5/23-115 new)

Sec. 23-115. Clean coal development program.

(a) Each participating electric utility shall purchase electric capacity and associated energy from the owners, lessees, or operators of clean coal projects pursuant to service agreements in accordance with the provisions of Section 23-115 of this Article.

(b) Upon receipt of an offer from a clean coal project to sell capacity and associated energy pursuant to a wholesale sales tariff, the participating electric utility shall, within 30 days after receipt of the pro forma service agreement contained in the wholesale sales tariff, execute the service agreement and file the executed service agreement for informational purposes with the Commission, provided that no participating electric utility shall enter into a service agreement if the amount of capacity to be purchased under such service agreement, together with the aggregate amount of all capacity purchased under other service agreements executed previously or contemporaneously by the participating electric utility from all clean coal projects other than a FutureGen demonstration project, exceeds 5% of the participating electric utility's coincident peak delivery services load, expressed in kilowatts, for the calendar year immediately preceding the effective date of this Article.

(220 ILCS 5/23-120 new)

Sec. 23-120. Characteristics of the wholesale sales tariff. Subject to the jurisdiction of FERC with respect to the wholesale sales tariff, in order to fulfill the purposes of the Clean Coal Development

Program, it is desirable that the formula rate and service agreement have characteristics that are adequate and appropriate to support the long-term investments necessary for the construction and operation of clean coal projects. It is the intent of the General Assembly that:

(1) With respect to the formula rate, the following characteristics are adequate and appropriate:

(A) the use of a cost of service methodology employing a level capital recovery component;

(B) the use of a hypothetical capital structure, as such structure is used by FERC pursuant to Sections 205 and 206 of the Federal Power Act, that assumes a capital structure for a clean coal project of 45% equity and 55% debt;

(C) (i) with respect to the first clean coal project that has a wholesale sales tariff made effective pursuant to Section 205 of the Federal Power Act and part 35 of FERC's regulations, the use of a return on equity that is fixed for the term of the service agreement at a rate equal to 11.5%; and (ii) with respect to any subsequent clean coal projects, the use of a return on equity that is fixed for the term of the service agreement at a rate equal to a rate of between 9% and 11% (with a single fixed rate being set forth in the service agreement); and

(D) the use of an incentive or penalty mechanism such that (i) if the actual total capital costs of a given clean coal project exceeds the total capital cost target, then the return on equity applicable to the portion of the actual total capital costs in excess of the total capital cost target (a) shall be reduced by 300 basis points (with there being 100 basis points in each percent of return on equity) for the first $80 per kilowatt of such excess total capital costs, (b) shall be reduced by 600 basis points for the next $80 per kilowatt of such excess total capital costs, and (c) shall be reduced to zero for any excess capital costs over $160 per kilowatt, and (ii) if the actual total capital costs of a given clean coal project are less than the total capital cost target, then the return on equity for an amount equal to the amount that the total capital cost is less than the total capital cost target shall be increased by 300 basis points.

(2) With respect to the service agreement, the following characteristics are adequate and appropriate:

(A) a provision setting forth a term of 30 to 40 years commencing on the date upon which the clean coal project achieves commercial operation;

(B) a provision incorporating the duties and obligations of the clean coal project and the participating electric utility with respect to the notice and termination mechanism set forth in Section 23-145 of this Article;

(C) a provision to the effect that a change in law, regulation or market conditions is not a basis for termination or reduction in payments by the purchaser;

(D) provisions for a plant availability target of 85% from and after the third full calendar year of operation and an incentive structure for meeting such target, provided that the total bonus in any year for exceeding the target in any year shall not exceed an amount equivalent to 10% of the total return on equity for such year and the total penalty for falling short of such target in any year shall not exceed an amount equal to 15% of the total return on equity for such year; and

(E) a provision pursuant to which at the end of the stated contract term the clean coal project will, upon the request of the Commission or other agency of the State of Illinois authorized to make such request, be transferred for the benefit of ratepayers to a trust or other entity nominated by the Commission or other agency in return for no consideration other than the assumption of the obligation to retire the clean coal project and remediate the site when the clean coal project reaches the end of its useful economic life.

(3) With respect to the standard of review under the Federal Power Act of the wholesale sales tariff, it is adequate and appropriate that absent mutual written consent of the participating electric utility and the owner, operator, or lessee of a clean coal project any proposed changes under Sections 205 and 206 of the Federal Power Act to the wholesale sales tariff, including without limitation the formula rate and service agreement, are subject to the "public interest" standard of review as such standard of review is applied by FERC pursuant to sections 205 and 206 of the Federal Power Act.

To the extent, if any, that a wholesale sales tariff as allowed to be effective by FERC has characteristics in addition to, or different from, those set forth in this Section, such additional or different characteristics shall not alter a participating electric utility's obligation to purchase capacity and associated energy pursuant to wholesale sales tariffs as set forth in this Article.

Nothing in this Article shall be deemed to limit the participation of the State, or any agency or political subdivision thereof, or any elected or appointed official of the State of Illinois or any agency or political subdivision thereof, in any FERC proceeding related to a wholesale sales tariff.

(220 ILCS 5/23-125 new)

Sec. 23-125. Disposition of capacity and energy.

(a) Each participating electric utility that executes a service agreement pursuant to the Clean Coal

Development Program Law shall resell the capacity and associated energy purchased from a clean coal project to wholesale purchasers in the wholesale capacity and energy markets available to the participating electric utility. The participating electric utility shall use its best efforts to obtain the highest prices for the capacity and associated energy sold pursuant to this Section so as to minimize the costs passed through to the participating electric utility's delivery service customers pursuant to Section 23-130.

(b) The participating electric utility shall be in compliance with this Section if:

(1) the prices obtained by the participating electric utility are no less than the prices available for the capacity and associated energy if sold into the day-ahead and real time capacity and energy markets administered by a regional transmission organization to which the applicable qualified clean coal project is interconnected; or

(2) the participating electric utility otherwise sells the capacity and associated energy pursuant to a plan set forth in a tariff approved by the Commission pursuant to Article IX of the Public Utilities Act.

(220 ILCS 5/23-130 new)

Sec. 23-130. Pass-through of clean coal development benefits and costs.

(a) Because a participating electric utility is required to accept an offer from a clean coal project to sell capacity and associated energy pursuant to a wholesale sales tariff as provided in Section 23-115 of this Article, the participating electric utility is entitled to recover the costs less benefits from its purchases pursuant to the wholesale sales tariff in its retail rates. Each participating electric utility shall pass-through to its delivery services customers the benefits and costs of the Clean Coal Development Program without mark-up as set forth in this Section.

(b) Within 60 days after the effective date of this Article, each participating electric utility shall file with the Commission a rider to such utility's tariff that complies with this Section. Such tariff riders shall be subject to Article IX of the Public Utilities Act; provided, however, that the period of suspension of such rider shall not extend more than 75 days beyond the time when such rider would otherwise go into effect and such period of suspension shall not be extended by the Commission. Any proceeding initiated pursuant to Article IX with respect to such rider shall be limited to making a determination that, as a matter of law, the tariff rider complies with the requirements of this section and any such proceeding may not exceed 120 days in length.

(c) In order to comply with this Section, a tariff rider shall:

(1) apply to all customers to which the participating electric utility provides bundled retail services or retail distribution service;

(2) be incorporated onto the participating electric utility's customer bills in the same manner in which the participating electric utility, as of the effective date of this Article, incorporates charges pursuant to Section 6-5 of the Renewable Energy, Energy Efficiency and Coal Resources Development Law of 1997; and

(3) use an automatic rate adjustment methodology, as such methodology understood pursuant to the Public Utilities Act, having the following characteristics:

(A) a "CCDP factor" defined as the factor calculated as set forth in this subsection (c) to represent the net benefit or cost of the Clean Coal Development Program;

(B) a "determination period" defined as the calendar month for which a CCDP Factor is determined for the participating electric utility's delivery services customers;

(C) an "effective period" defined as the monthly billing period occurring 2 months after the determination period, during which the CCDP factor is applied to kilowatt-hours of energy delivered by the participating electric utility to its delivery services customers;

(D) "accrued CCDP expenses" defined as the sum of accrued expenses incurred by the participating electric utility during the determination period pursuant to executed service agreements with clean coal projects;

(E) "accrued CCDP revenues" defined as the sum of accrued revenues recorded by the participating electric utility during the determination period associated with the sale of capacity and associated energy by the participating electric utility pursuant to Section 125 of this Article;

(F) "automatic CCDP balancing factor" defined as the cumulative debit or credit balance, if any, resulting from the application of the CCDP factor from the effective date of the tariff rider through the determination period;

(G) "forecast usage" (expressed in kilowatt-hours) defined as the forecast by the participating electric utility of the total energy that the participating electric utility expects to deliver to its delivery services customers during the effective period; and

(H) a formula for the determination of the CCDP factor that divides the sum of the CCDP accrued

revenues, CCDP accrued expenses, and automatic CCDP balancing factor by the forecast usage.

(d) Each participating electric utility shall submit its CCDP factor to the Commission in an informational filing at least 3 business days prior to the start of each effective period during which it is to be applied. In addition, each participating electric utility that is purchasing capacity and associated energy pursuant to a service agreement during a calendar year shall prepare and submit to the Commission an annual report for each calendar year during which such purchases are made, containing the details of the calculation of its CCDP factor on or before the last business day of April of the following calendar year.

(220 ILCS 5/23-135 new)

Sec. 23-135. Affiliate transactions. Notwithstanding any other provision of this Article, if an electric utility or an affiliate of an electric utility has an ownership interest in any eligible facility, Article VII of this Act shall apply.

(220 ILCS 5/23-140 new)

Sec. 23-140. Certificates of convenience and necessity.

(a) If a CCN is required from the Commission for the construction of transmission or pipeline facilities necessary to support interconnection or supplemental fuel supply of a clean coal project, the Commission's order shall be entered (1) within 180 days after the date on which an application for such a CCN has been filed pursuant to Section 8-406 of this Act without a request for an order pursuant to Section 8-503 of this Act; or (2) within 270 days in the case of an application with a request for an order pursuant to Section 8-503 of this Act.

(b) In any proceeding conducted by the Commission with respect to a CCN filed pursuant to this Section, intervention shall be limited to parties with a direct interest in the requested CCN and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1 of this Act. Parties with a direct interest shall include each owner of record of the land that would be crossed by the proposed transmission or pipeline facilities unless the Commission determines that such owner has acquired the land solely for the purpose of becoming a party to the CCN proceeding, and all utilities and railroads whose lines will be crossed by the proposed transmission or pipeline facilities or whose lines will be paralleled within 200 feet by such proposed facilities. Any application seeking rehearing of an order issued in response to an application for a CCN filed pursuant to the Section shall be filed within 10 days after service of the order.

(c) The construction of transmission and pipeline facilities necessary to support interconnection or supplemental fuel supply of a clean coal project is in the public interest, and in determining whether to issue an order granting a CCN for construction of such facilities, the Commission shall liberally construe the provisions of this Section in favor of granting a CCN for construction of such facilities.

(220 ILCS 5/23-145 new)

Sec. 23-145. Termination mechanism. Because (i) the core plant construction cost quote will not likely be known at the time when the applicable service agreement is executed by the participating electric utility and (ii) the clean coal project will likely incur significant costs related to the engineering and design services performed to obtain the core plant construction cost quote, and in order to provide a mechanism for the Commission to review and approve any increase in the anticipated core plant construction costs quote, the following termination mechanism shall apply to all clean coal projects participating in the Clean Coal Development Program:

(1) Upon completion of the core plant construction cost quote for a given clean coal project, the clean coal project shall compare its core plant construction cost quote to the inflation-adjusted core plant construction cost ceiling and determine whether its core plant construction cost quote is in excess of the inflation-adjusted core plant construction cost ceiling.

(2) If a clean coal project determines that its core plant construction cost quote is in excess of the inflation-adjusted core plant construction cost ceiling, then the clean coal project shall file with the Commission a pleading summarizing its determination that its core plant construction cost quote is in excess of the inflation-adjusted core plant construction cost ceiling and any calculations and work papers related to such determination.

(3) Upon receipt of a filing pursuant to Section 23-145 of this Article, the Commission shall promptly commence an investigation pursuant to Article X of this Act to determine whether it is in the public interest for the clean coal project to be constructed given the determination that the core plant construction cost quote is in excess of the inflation-adjusted core plant construction cost ceiling. The Commission shall make such public interest determination after hearing evidence limited to the issue of whether the purposes of the Clean Coal Development Program, as set forth in Section 23-105 of this Article, shall be frustrated by the fact that the core plant construction cost quote for the applicable clean coal project is in excess of the inflation-adjusted core plant construction cost ceiling. Any proceeding initiated by the Commission

pursuant to this Section may not exceed 120 days in length.

(4) If, and only if, the Commission determines that the purposes of the Clean Coal Development Program will be frustrated by the fact that the core plant construction cost quote for a given clean coal project is in excess of the inflation-adjusted core plant construction cost ceiling, then each participating electric utility that executed a service agreement with such clean coal project shall enforce its right to terminate such service agreement and reimburse the clean coal project as a termination fee the amounts paid by the clean coal project to unrelated third parties to obtain the core plant construction cost quote. In the event that more than one participating electric utility has executed a service agreement with such clean coal project, then the termination fee applicable to each service agreement shall be allocated in proportion to the amount of capacity contracted for relative to the total capacity contracted for pursuant to all service agreements applicable to such clean coal project. The aggregate of termination fees paid by participating electric utilities to a clean coal project pursuant to this Section shall not exceed $8,000,000.

(5) If a participating electric utility terminates a service agreement as contemplated in Section 23-145 of this Article, the participating electric utility shall treat the termination fee paid to the clean coal project as an accrued CCDP expense and recover such termination fee pursuant to the tariff rider set forth in Section 23-130 of this Article.

(220 ILCS 5/23-150 new)

Sec. 23-150. Participation by a FutureGen demonstration project. A FutureGen demonstration project may elect to be deemed a clean coal project and participate in the Clean Coal Development Program as set forth in this Article and as modified by this Section. A FutureGen demonstration project shall be deemed to have made such election on the date that the FutureGen demonstration project files its wholesale sales tariff at FERC pursuant to Section 205 of the Federal Power Act.

No participating electric utility shall enter into a service agreement with a FutureGen demonstration project if the amount of capacity to be purchased under such service agreement, together with the aggregate amount of all capacity purchased under other service agreements executed previously or contemporaneously by the participating electric utility with any FutureGen demonstration project, exceeds 1% of the participating electric utility's coincident peak delivery services load, expressed in kilowatts, for the calendar year immediately preceding the effective date of this Article.

Subsections 23-120(1) (other than Subsection 23-120(1)(D)) and 23-120(2) shall not apply to the wholesale sales tariff of a FutureGen demonstration project that elects to be deemed a clean coal project. Subsection 23-120(1)(D) and Section 145 shall apply to a FutureGen demonstration project. With respect to a FutureGen demonstration project that elects to be deemed a clean coal project, it is the intent of the General Assembly that the wholesale sales tariff of a FutureGen demonstration project recognize that (i) the FutureGen demonstration project may be operated based on objectives different from a baseload generating plant, and (ii) a FutureGen demonstration project is likely to be funded by government appropriations and contributions from non-profit organizations for which traditional ratemaking concepts such as return on invested capital are not appropriate.

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 3388 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 770

A bill for AN ACT concerning State government.

Passed by the Senate, July 27, 2007.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILL 770 was ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendments to the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 9
House Amendment No. 1
House Amendment No. 2

Action taken by the Senate, July 26, 2007.

Deborah Shipley, Secretary of the Senate

AGREED RESOLUTION

The following resolution was offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 627

Offered by Representative Sommer:
Mourns the passing of former State Representative Jay Ackerman of Morton.

RECESS

At the hour of 9:18 o'clock a.m., Representative Madigan moved that the House do now take a recess until the call of the Chair.
The motion prevailed.
At the hour of 4:25 o'clock p.m., the House resumed its session.
Speaker of the House Madigan in the Chair.

At the hour of 4:25 o'clock p.m., Representative Mautino moved that the House do now adjourn until Saturday, July 28, 2007, at 9:00 o'clock a.m., allowing perfunctory time for the Clerk.
The motion prevailed.
And the House stood adjourned.

102ND LEGISLATIVE DAY

Perfunctory Session

FRIDAY, JULY 27, 2007

At the hour of 4:34 o'clock p.m., the House convened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Beaubien replaced Representative Hassert in the Committee on Rules on July 27, 2007.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on July 27, 2007, reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Higher Education: SENATE BILL 858.

LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:

HOUSE RESOLUTION 549 was recalled from the Committee on Revenue and reassigned to the Committee on Rules.

The committee roll call vote on the foregoing Legislative Measures is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)
A Black(R), Republican Spokesperson
Y Beaubien(R) (replacing Hassert)

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 628

Offered by Representative Howard:

WHEREAS, Homelessness is a pandemic problem in this State; and
WHEREAS, The First Municipal District of the Cook County Circuit Court handles an average of 35,000 eviction cases each year; and
WHEREAS, Many of the tenants appearing in those courts lack legal representation; and
WHEREAS, Those tenants who have adequate legal representation receive more favorable judgments or settlements from the courts; and
WHEREAS, Many tenants are denied housing by prospective landlords because they have evictions on their record; and
WHEREAS, Many tenants who live in substandard housing and whose rents are subsidized by Section 8 Vouchers will be ordered to vacate their premises but will still be subject to eviction orders because the Voucher payments have been terminated; and
WHEREAS, The sealing of civil records in forcible entry and detainer cases would reduce the rate of

homelessness; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created the Sealing of Records in Forcible Entry and Detainer Cases Task Force appointed as follows:

(1) 4 members appointed by the Speaker of the House of Representatives; and

(2) 4 members appointed by the Minority Leader of the House of Representatives; and be it further

RESOLVED, That the Task Force shall study the possibility of enacting legislation to seal records of:

(1) any order for possession (with no money judgment) that is not enforced after 120 days;

(2) any order that allows for an agreed or voluntary dismissal of the case with or without prejudice and any judgments that are vacated, with proper notice giving the opposing party the opportunity to object;

(3) cases in which the defendant has won or successfully defended against the action and 30 days have passed without further action on the part of either party, and eviction cases in which the defendant has to move as a result of lease termination or voluntarily agrees to surrender possession of the property after having won or successfully defended against the forcible entry and detainer action;

(4) cases in which the landlord files to evict a tenant that has a Section 8 Voucher when the subsidy has been abated due to the landlord's failure to correct the conditions or violations in the apartment, and there is a finding by the court or agreement by the parties that the tenant is not in default of his or her rental payments, or when the court has not made a determination that the tenant is in default of rental payments;

(5) cases in which the plaintiff's case has been dismissed for want of prosecution and no action has been taken by the plaintiff within 30 days to revive such action; and

(6) cases in which the defendant has paid or satisfied the judgment or reinstated the contract, and 2 years have passed since such release, satisfaction of judgment, or reinstatement; and be it further

RESOLVED, That the Task Force shall choose its chair and other officers and meet at the call of the chair; and be it further

RESOLVED, That the members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose; and be it further

RESOLVED, That the Task Force shall receive the assistance of legislative staff and such other persons as it deems appropriate and shall report its findings and recommendations to the House on or before December 31, 2008.

HOUSE RESOLUTION 629

Offered by Representative Washington:

WHEREAS, The costs of housing prisoners in the Illinois Penitentiary System and county jails are a tremendous burden on the Illinois taxpayers; and

WHEREAS, The recidivism rate among prisoners in the Illinois correctional system is about 54%; and

WHEREAS, Many persons sentenced to prison or jail have the potential of rehabilitation; and

WHEREAS, Service in the Armed Forces of the United States and the Illinois National Guard by persons who would otherwise be sentenced to prison or jail would be a more productive alternative for these persons; and

WHEREAS, The Armed Forces of the United States and the Illinois National Guard promote self-respect and enhance a person's ability to serve the remainder of his or her life as a productive citizen; and

WHEREAS, A Second Chance Task Force should be created to study military service as an alternative to imprisonment; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the House create the Second Chance Task Force to study military service as an alternative to imprisonment; and be it further

RESOLVED, That the Task Force shall consist of 8 members as follows:

(1) 4 members appointed by the Speaker of the House of Representatives; and

(2) 4 members appointed by the Minority Leader of the House of Representatives; and be it further

RESOLVED, That the Task Force shall choose its chair and other officers and shall meet at the call of the chair; and be it further

RESOLVED, That the members of the Task Force shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose; and be it further

RESOLVED, That the Task Force shall receive the assistance of legislative staff and such other persons as it deems appropriate and shall report its findings and recommendations to the House of Representatives by December 31, 2008.

HOUSE JOINT RESOLUTION 76

Offered by Representative Howard:

WHEREAS, According to the 2005 American Community Survey, over 12 million people lived in Illinois; and

WHEREAS, Of the people living in Illinois, 72 percent are White, 15 percent are African-American, 4 percent are Asian, and 9 percent are of Other Races; and

WHEREAS, Of the citizens in Illinois, 15 percent are of Hispanic or Latino origin and 85 percent are not of Hispanic or Latino origin; and

WHEREAS, Seven percent of the population is under 5 years of age, 19 percent is between 5 and 17 years of age, 58 percent is between 18 and 64 years of age, and 16 percent of the population is 65 years of age or older; and

WHEREAS, There are 3,229,558 children under 18 years of age living in households in Illinois; and

WHEREAS, Of the children living in Illinois, 65 percent are White, 18 percent are African-American, 4 percent are Asian, and 13 percent are Other Races; and

WHEREAS, Of the children in Illinois, 20 percent are of Hispanic or Latino origin and 80 percent are not Hispanic or Latino; and

WHEREAS, Eighty-eight percent of children live in the same household as their parents, seven percent live with grandparents, three percent live with other relatives, and two percent live with unrelated foster parents; and

WHEREAS, Of the 4,691,020 households in Illinois, 50 percent are defined as married-couple family household, four percent are defined as male householder - no wife present, 13 percent are defined as female householder - no husband present, and 33 percent are defined as non-family household; and

WHEREAS, Eight percent of children who live in married-couple family households received public assistance in the past 12 months; 21 percent of children who live in male householder - no wife present family households received public assistance in the past 12 months; and 43% of children who live in female householder - no husband present family household received public assistance in the past 12 months; and

WHEREAS, Of the low-income households in Illinois, 78 percent experienced housing problems; and 23% of White households experienced housing problems compared to 42 percent of African-American households and 53 percent of Hispanic households; and

WHEREAS, Examination of educational achievement for Illinois residents 25 years and older reveals that 15 percent have achieved less than a high school diploma, 28 percent graduated from high school, 28 percent attended college or received an associated degree, 18 percent received a bachelor's degree, and 11 percent have attained a graduate degree or higher or professional degree; and

WHEREAS, Fifty-four percent of low-income households pay more than 50 percent of their household income for housing; and

WHEREAS, Over 44,000 adults are in prison, and 94 percent are male and six percent are female; 60 percent are African-American, 11 percent are Hispanic, and 28 percent are White; and

WHEREAS, Of the more than 1,400 juveniles in prison, 92 percent are male and eight percent are female; and 54 percent are African-American, 11 percent are Hispanic, and 34 percent are White; and

WHEREAS, Children reared by single parents are more likely to drop out of high school, commit criminal acts, and become homeless; and

WHEREAS, Since 2002, over 26,000 children per year are indicated for abuse or neglect and are living with parents more likely to be identified as the perpetrator; and

WHEREAS, The socioeconomic status of the parents affects the risk of children experiencing violent acts, growing up in violent communities, and not having access to a quality education or affordable and quality health care; and

WHEREAS, Families are under stress and are increasingly unable to protect or provide for their children; and

WHEREAS, Family violence, including domestic violence, negatively affects children's emotional and psychological well-being; and

WHEREAS, Families living below poverty and middle income earners are more likely to become homeless as there is a severe shortage of affordable housing; and

WHEREAS, The family is the primary institution for caring and providing for the emotional, physical, and social well-being of children and assuring that they receive the moral guidance and social skills to successfully reach their potential and contribute as citizens; and

WHEREAS, Many children live in communities where food deserts exist - they are unable to access healthy food; and

WHEREAS, Children living in some urban communities are frequently exposed to different levels of assorted toxic chemicals both inside and outside the home; and

WHEREAS, Low-income children and their parents are less likely to have access to quality health care, less likely to have incomes to secure safe and affordable housing, and less likely to have community schools with certified teachers than affluent families; and

WHEREAS, There is a relationship between child well-being, family well-being, and a community's social and economic strength; and

WHEREAS, Parents are primarily responsible for instilling in their children moral, community, civic, and social responsibility; and

WHEREAS, Community institutions, agencies, and organizations have a moral and social responsibility to assist their members in achieving optimal well-being; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Parents and Community Accountability Study Committee, hereafter referred to as the Committee, consisting of 29 members appointed as follows:

(1) Three members appointed by the President of the Senate;

(2) Two members appointed by the Minority Leader of the Senate;

(3) Three members appointed by the Speaker of the House of Representatives;

(4) Two members appointed by the Minority Leader of the House of Representatives;

(5) One member of the Governor's staff appointed by the Governor;

(6) Two members appointed by the Chair of the Illinois African-American Family Commission;

(7) Two members appointed by the Joint Chair of the Illinois Legislative Black Caucus;

(8) One member appointed by the Chair of the Illinois Prisoner Review Board;

(9) One member from each of the following State agencies appointed by their respective heads: Department of Children and Family Services, Department of Human Services, Department on Aging, Illinois State Board of Education, Department of Juvenile Justice, Department of Healthcare and Family Services, and Department of Corrections; and

(10) Six public members representing the interests of child welfare advocates, public health researchers, the general public, the formerly incarcerated, faith-based community, and court personnel - each appointed by the Governor; and be it further

RESOLVED, That the Legislature shall provide staff and administrative support to the Committee; and be it further

RESOLVED, That the Committee shall examine issues related to racial and socioeconomic disparities affecting the pro-social development of children and youth; shall identify ways to engage more parents in being accountable for the actions of their children; and shall identify ways to engage more communities in being accountable for investing in pro-social development of children and families; the Committee shall also research the types of supports needed to help parents develop the necessary skills to ensure that their children achieve positive youth development and to reduce factors that lead to violence in the community, home, and school; the Committee shall also study what systems are needed to assist communities to reinvest in and support children and families; and be it further

RESOLVED, That the Committee shall hold public hearings in every Legislative District it deems

necessary and present a report of its findings and recommendations to the 96th General Assembly before December 31, 2008.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 770 (Moffitt).

At the hour of 4:36 o'clock p.m., the House Perfunctory Session adjourned.