

**STATE OF ILLINOIS**



**HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-SIXTH GENERAL ASSEMBLY**

**152ND LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**TUESDAY, NOVEMBER 30, 2010**

**10:00 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES**  
**Daily Journal Index**  
**152nd Legislative Day**

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The House met pursuant to adjournment.

Representative Mautino in the chair.

Prayer by Father Robert Jallas, who is with St. Agnes Catholic Church in Springfield, Illinois.

Representative Careen Gordon led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

113 present. (ROLL CALL 1)

By unanimous consent, Representatives Dugan, Mathias, Mulligan and Myers were excused from attendance.

### REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative McGuire, should be recorded as present at the hour of 10:00 o'clock a.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Mulligan, should be recorded as present at the hour of 5:00 o'clock p.m.

### LETTER OF TRANSMITTAL

November 30, 2010

Mark Mahoney  
Clerk of the House  
HOUSE OF REPRESENTATIVES  
420 Capitol Building  
Springfield, Illinois 62706

Dear Mr. Clerk:

Please be advised that effective today there will be 1 additional majority and minority appointment to the Special Committee on Medical Reform. (The total number of majority and minority appointments is 8 members each.)

The 1 additional majority appointment is as follows:

**Special Committee on Medicaid Reform**  
Representative Lisa Hernandez

If you have any questions, please contact Tim Mapes, 217.782.6360, [mapes@hds.ilga.gov](mailto:mapes@hds.ilga.gov).

With kindest personal regards, I remain

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

November 30, 2010

Mr. Mark Mahoney  
Clerk of the House  
420 State House  
Springfield, Illinois 62706

Dear Mr. Clerk:

[November 30, 2010]

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Please appoint the following members to the **Special Committee on Medicaid Reform**. These appointments are effective immediately.

Representative Patricia Bellock (Co-Chair)  
Representative David Leitch  
Representative Rosemary Mulligan  
Representative Robert Pritchard  
Representative Chapin Rose  
Representative Darlene Senger  
Representative Mike Tryon

Thank you for your attention to this matter.

Sincerely,  
s/ Tom Cross  
House Republican Leader

November 30, 2010

Mr. Mark Mahoney  
Clerk of the House  
420 State House  
Springfield, Illinois 62706

Dear Mr. Clerk:

Please appoint the following members to the **Special Committee on Workers' Compensation Reform**. These appointments are effective immediately.

Representative Dan Brady (Co-Chair)  
Representative David Reis  
Representative Jim Sacia  
Representative David Winters

Thank you for your attention to this matter.

Sincerely,  
s/ Tom Cross  
House Republican Leader

November 30, 2010

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

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to January 11, 2011 for the following House and Senate Bills:

**House Bills: 1715 and 1721.**

**Senate Bill: 3712.**

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

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Yarbrough replaced Representative McAsey in the Committee on Judiciary II - Criminal Law on November 30, 2010.

Representative Harris replaced Representative Careen Gordon in the Committee on Revenue & Finance on November 30, 2010.

Representative Howard replaced Representative Burns in the Committee on Health Care Availability and Accessibility on November 30, 2010.

Representative Ford replaced Representative May in the Committee on Health Care Availability and Accessibility on November 30, 2010.

Representative Lilly replaced Representative Dugan in the Committee on Health Care Availability and Accessibility on November 30, 2010.

Representative Schmitz replaced Representative Cavaletto in the Committee on Elementary & Secondary Education on November 30, 2010.

Representative Hernandez replaced Representative Golar in the Committee on Elementary & Secondary Education on November 30, 2010.

Representative Soto replaced Representative Yarbrough in the Committee on Elementary & Secondary Education on November 30, 2010.

Representative Chapa LaVia replaced Representative Dugan in the Committee on Elementary & Secondary Education on November 30, 2010.

Representative Gabel replaced Representative Miller in the Committee on Elementary & Secondary Education on November 30, 2010.

Representative Chapa LaVia replaced Representative Careen Gordon in the Committee on Insurance on November 30, 2010.

Representative Froehlich replaced Representative Lang in the Committee on Insurance on November 30, 2010.

Representative Verschoore replaced Representative Fritchey in the Committee on Insurance on November 30, 2010.

Representative May replaced Representative Dunkin in the Committee on Insurance on November 30, 2010.

Representative Bost replaced Representative Brady in the Committee on Insurance on November 30, 2010.

Representative Durkin replaced Representative Poe in the Committee on State Government Administration on November 30, 2010.

Representative Leitch replaced Representative Bassi in the Committee on State Government Administration on November 30, 2010.

Representative Berrios replaced Representative Dugan in the Committee on State Government Administration on November 30, 2010.

Representative Bellock replaced Representative Myers in the Committee on State Government Administration on November 30, 2010.

Representative Osmond replaced Representative Ramey in the Committee on State Government Administration on November 30, 2010.

Representative Mell replaced Representative Franks in the Committee on State Government Administration on November 30, 2010.

Representative Lilly replaced Representative Crespo in the Committee on State Government Administration on November 30, 2010.

Representative Turner replaced Representative Collins in the Committee on State Government Administration on November 30, 2010.

Representative McGuire replaced Representative Lang in the Committee on Rules (A,B) on November 30, 2010.

Representative Sacia replaced Representative Schmitz in the Committee on Rules on November 30, 2010.

Representative Mell replaced Representative McAsey in the Committee on Judiciary II - Criminal Law on November 30, 2010.

Representative Berrios replaced Representative Dugan in the Committee on State Government Administration on November 30, 2010.

Representative Lang replaced Representative Collins in the Committee on State Government Administration on November 30, 2010.

Representative Bellock replaced Representative Myers in the Committee on State Government Administration on November 30, 2010.

Representative Monique Davis replaced Representative Collins in the Committee on Human Services on November 30, 2010.

Representative Burns replaced Representative Flowers in the Committee on Human Services on November 30, 2010.

Representative Durkin replaced Representative Schmitz in the Committee on Human Services on November 30, 2010.

Representative Jakobsson replaced Representative Froehlich in the Committee on Adoption Reform on December 1, 2010.



Representative Nekritz replaced Representative William Davis in the Committee on Environment & Energy on December 1, 2010.

### **REPORT FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

#### **LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the bill be reported "approved for consideration" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 1715.

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to HOUSE BILL 1365.

Amendment No. 1 to HOUSE BILL 6881.

Amendment No. 2 to SENATE BILL 2485.

#### **LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 2 to SENATE BILL 389 and Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 3962.

State Government Administration: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 59 and HOUSE AMENDMENT No. 2 to SENATE BILL 3162.

Transportation, Regulation, Roads & Bridges: HOUSE AMENDMENT No. 1 to HOUSE BILL 1915.

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 Black(R), Republican Spokesperson

Y Hannig(D)

Y Lang(D)

A Schmitz(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 30, 2010, (A) reported the same back with the following recommendations:

#### **LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the bill be reported "approved for consideration" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 1721.

#### **LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 1715.

Personnel and Pensions: HOUSE AMENDMENT No. 3 to SENATE BILL 3538.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

A Black(R), Republican Spokesperson

Y Hannig(D)

Y McGuire (replacing Lang)

Y Sacia (replacing Schmitz)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 30, 2010, (B) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 3 to SENATE BILL 3388.

The committee roll call vote on the foregoing Legislative Measures is as follows:  
3, Yeas; 1, Nay; 0, Answering Present.

Y Currie(D), Chairperson	A Black(R), Republican Spokesperson
Y Hannig(D)	Y McGuire (replacing Lang)
N Schmitz(R)	

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on November 30, 2010, (C) reported the same back with the following recommendations:

**LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:**

HOUSE RESOLUTION 1002 was recalled from the Committee on State Government Administration and reassigned to the Committee on Rules.

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 2 to HOUSE BILL 1445.

That the resolution be reported “recommends be adopted” and be placed on the House Calendar:  
HOUSE RESOLUTION 1002.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Human Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 1721.  
Judiciary II - Criminal Law: HOUSE AMENDMENT No. 3 to SENATE BILL 389.

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 Black(R), Republican Spokesperson
Y Hannig(D)	Y Lang(D)
A Schmitz(R)	

**REPORTS FROM STANDING COMMITTEES**

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate:  
HOUSE BILL 6881.

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 1 to SENATE BILL 3539.

The committee roll call vote on House Bill 6881 is as follows:  
7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Golar(D)
Y Yarbrough (replacing McAsey)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on Amendment No. 1 to Senate Bill 3539 is as follows:  
4, Yeas; 3, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
N Reboletti(R), Republican Spokesperson	Y Golar(D)
Y Yarbrough (replacing McAsey)	N Sacia(R)
N Wait(R)	

Representative Smith, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 6862.

That the resolution be reported “recommends be adopted as amended” and be placed on the House Calendar: HOUSE JOINT RESOLUTION 127.

The committee roll call vote on House Bill 6862 is as follows:  
16, Yeas; 3, Nays; 1, Answering Present.

N Smith(D), Chairperson	Y Crespo(D), Vice-Chairperson
N Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Schmitz (replacing Cavaletto)	P Colvin(D)
N Davis, Monique(D)	Y Chapa LaVia (replacing Dugan)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Hernandez (replacing Golar)
Y Gabel (replacing Miller)	Y Osterman(D)
Y Pihos(R)	Y Pritchard(R)
Y Reis(R)	Y Senger(R)
Y Watson(R)	Y Soto (replacing Yarbrough)

The committee roll call vote on House Joint Resolution 127 is as follows:  
18, Yeas; 2, Nays; 0, Answering Present.

Y Smith(D), Chairperson	N Crespo(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	Y Bassi(R)
Y Schmitz (replacing Cavaletto)	Y Colvin(D)
Y Davis, Monique(D)	Y Chapa LaVia (replacing Dugan)
Y Eddy(R)	Y Flider(D)
Y Froehlich(D)	Y Hernandez (replacing Golar)
Y Gabel (replacing Miller)	Y Osterman(D)
Y Pihos(R)	Y Pritchard(R)
Y Reis(R)	N Senger(R)
Y Watson(R)	Y Soto (replacing Yarbrough)

Representative Froehlich, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 150, 3383 and 3708.

The committee roll call vote on Senate Bill 150 is as follows:

13, Yeas; 3, Nays; 0, Answering Present.

Y Mell (replacing Franks)	Y Berrios (replacing Dugan)
Y Wait(R), Republican Spokesperson	Y Leitch (replacing Bassi)
Y Boland(D)	Y Bost(R)
N Burns(D)	Y Turner (replacing Collins)
Y Lilly (replacing Crespo)	A Davis, Monique(D)
N Farnham(D)	Y Froehlich(D)
N McAsey(D)	Y Moffitt(R)
Y Bellock (replacing Myers)	Y Durkin (replacing Poe)
Y Osmond (replacing Ramey)	

The committee roll call vote on Senate Bill 3383 is as follows:

14, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Berrios (replacing Dugan)
Y Wait(R), Republican Spokesperson	Y Leitch (replacing Bassi)
Y Boland(D)	Y Bost(R)
Y Burns(D)	Y Turner (replacing Collins)
A Crespo(D)	A Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
Y Bellock (replacing Myers)	A Poe(R)
Y Osmond (replacing Ramey)	

The committee roll call vote on Senate Bill 3708 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	A Dugan(D), Vice-Chairperson
Y Wait(R), Republican Spokesperson	Y Leitch (replacing Bassi)
Y Boland(D)	Y Bost(R)
Y Burns(D)	A Collins(D)
A Crespo(D)	A Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
Y Bellock (replacing Myers)	A Poe(R)
Y Osmond (replacing Ramey)	

Representative Bradley, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2559 and 3172.

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 1525.

The committee roll call vote on Senate Bills 2559, 3172 and Amendment No. 1 to House Bill 1525 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Bradley(D), Chairperson	Y Mautino(D), Vice-Chairperson
A Bassi(R)	Y Beaubien(R)
Y Biggins(R)	Y Chapa LaVia(D)
Y Currie(D)	A Eddy(R)
Y Ford(D)	Y Harris (replacing Gordon, C)
A Sullivan(R)	Y Zalewski(D)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTION 1442.

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 2 to HOUSE BILL 1512.

The committee roll call vote on Amendment No. 2 to House Bill 1512 and House Resolution 1442 is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	A Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
A Collins(D)	Y Burns (replacing Flowers)
Y Durkin (replacing Schmitz)	

Representative Feigenholtz, Chairperson, from the Committee on Adoption Reform to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:  
Amendment No. 1 to HOUSE BILL 1445.

The committee roll call vote on Amendment No. 1 to House Bill 1445 is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Feigenholtz(D), Chairperson	Y Sommer(R), Republican Spokesperson
Y Chapa LaVia(D)	A Cole(R)
Y Froehlich (replacing Jakobsson)	

Representative Nekritz, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 362.

The committee roll call vote on Senate Bill 362 is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Nekritz(D), Chairperson	Y D'Amico(D), Vice-Chairperson
A Brady(R), Republican Spokesperson	A Boland(D)
Y Durkin(R)	Y Jakobsson(D)
Y Mell(D)	A Myers(R)
A Reis(R)	

Representative Monique Davis, Chairperson, from the Committee on Insurance to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Motion be reported “recommends be adopted” and placed on the House Calendar:  
Motion to concur with Senate Amendment No. 1 to HOUSE BILL 5085.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 5085 is as follows:

23, Yeas; 0, Nays; 0, Answering Present.

Y Davis, Monique(D), Chairperson	Y Yarbrough(D), Vice-Chairperson
Y Watson(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Bost (replacing Brady)

Y Colvin(D)	Y May (replacing Dunkin)
Y Feigenholtz(D)	Y Ford(D)
Y Verschoore (replacing Fritchey)	Y Gabel(D)
Y Chapa LaVia (replacing Gordon, C)	Y Harris(D)
Y Froehlich (replacing Lang)	Y Leitch(R)
Y Mautino(D)	Y Mell(D)
A Mitchell, Bill(R)	Y Osmond(R)
Y Pritchard(R)	Y Rose(R)
Y Senger(R)	Y Stephens(R)

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Accessibility to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 1 to HOUSE BILL 1760.

The committee roll call vote on Amendment No. 1 to House Bill 1760 is as follows:

7, Yeas; 4, Nays; 0, Answering Present.

Y Flowers(D), Chairperson	Y Ford (replacing May)
N Osmond(R), Republican Spokesperson	Y Howard (replacing Burns)
N Connelly(R)	Y Lilly (replacing Dugan)
Y Golar(D)	Y Harris(D)
A Mulligan(R)	N Schmitz(R)
N Sommer(R)	Y Zalewski(D)

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 678.

The committee roll call vote on Senate Bill 678 is as follows:

18, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Davis, W (replacing Nekritz)
Y Tryon(R), Republican Spokesperson	Y Beiser(D)
Y Bradley(D)	Y Cole(R)
A Durkin(R)	Y Flider(D)
Y Fortner(R)	Y Gabel(D)
Y May(D)	Y Phelps(D)
A Poe(R)	Y Reboletti(R)
Y Reitz(D)	Y Rose(R)
Y Colvin (replacing Smith)	Y Verschoore(D)
Y Watson(R)	Y Winters(R)

Representative Beiser, Chairperson, from the Committee on Transportation, Regulation, Roads & Bridges to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 1 to HOUSE BILL 1915.

The committee roll call vote on Amendment No. 1 to House Bill 1915 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Beiser(D), Chairperson	Y Miller(D), Vice-Chairperson
A Brauer(R), Republican Spokesperson	Y Black(R)

Y Bradley(D)	Y D'Amico(D)
Y Hatcher(R)	A Hoffman(D)
Y Holbrook(D)	A Howard(D)
Y Lyons(D)	Y McAuliffe(R)
Y McGuire(D)	A Poe(R)
A Reboletti(R)	Y Sommer(R)
A Soto(D)	Y Tracy(R)
A Wait(R)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to SENATE BILL 3162.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1188.

The committee roll call vote on Amendment No. 2 to Senate Bill 3162 is as follows:

16, Yeas; 1, Nay; 0, Answering Present.

Y Franks(D), Chairperson	Y Berrios (replacing Dugan)
Y Wait(R), Republican Spokesperson	Y Bassi(R)
Y Boland(D)	N Bost(R)
Y Burns(D)	Y Lang (replacing Collins)
Y Crespo(D)	Y Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
Y Bellock (replacing Myers)	Y Durkin (replacing Poe)
Y Ramey(R)	

The committee roll call vote on House Resolution 1188 is as follows:

16, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Berrios (replacing Dugan)
Y Wait(R), Republican Spokesperson	Y Bassi(R)
Y Boland(D)	Y Bost(R)
Y Burns(D)	Y Lang (replacing Collins)
Y Crespo(D)	A Davis, Monique(D)
Y Farnham(D)	Y Froehlich(D)
Y McAsey(D)	Y Moffitt(R)
Y Bellock (replacing Myers)	Y Durkin (replacing Poe)
Y Ramey(R)	

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 2 to SENATE BILL 389.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 3962.

The committee roll call vote on Amendment No. 2 to Senate Bill 389 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Golar(D)
Y Mell (replacing McAsey)	Y Sacia(R)

Y Wait(R)

The committee roll call vote on Motion to Concur with Senate Amendments numbered 1 and 2 to House Bill 3962 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson	Y Collins(D), Vice-Chairperson
Y Reboletti(R), Republican Spokesperson	Y Golar(D)
Y McAsey(D)	Y Sacia(R)
Y Wait(R)	

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 1715.

The committee roll call vote on Amendment No. 1 to House Bill 1715 is as follows:

4, Yeas; 2, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
N Bellock(R), Republican Spokesperson	N Cole(R)
Y Davis, M (replacing Collins)	Y Flowers(D)
A Durkin (replacing Schmitz)	

Representative Nekritz, Chairperson, from the Committee on Personnel and Pensions to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 3538.

The committee roll call vote on Amendment No. 3 to Senate Bill 3538 is as follows:

8, Yeas; 2, Nays; 0, Answering Present.

Y McCarthy(D), Chairperson	Y Colvin(D), Vice-Chairperson
Y Poe(R), Republican Spokesperson	N Acevedo(D)
Y Brady(R)	Y Brauer(R)
Y Burke(D)	Y May(D)
N McAuliffe(R)	Y Nekritz(D)

**MOTIONS SUBMITTED**

Representative Brauer submitted the following written motion, which was placed on the Calendar on the order of Motions:

**MOTION**

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to HOUSE RESOLUTIONS 1002 and 1188.

Representative Fritchey submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which SENATE BILL 1716 passed in the House on November 30, 2010.



**REQUEST FOR FISCAL NOTE**

Representative Reis requested that a Fiscal Note be supplied for HOUSE BILL 1760, as amended.

Representative Poe requested that a Fiscal Note be supplied for SENATE BILL 3388, as amended.

**REQUEST FOR STATE MANDATES FISCAL NOTE**

Representative Poe requested that a State Mandates Fiscal Note be supplied for SENATE BILL 3388, as amended.

**STATE MANDATES FISCAL NOTE SUPPLIED**

A State Mandates Fiscal Note has been supplied for HOUSE BILL 1850, as amended.

**HOME RULE NOTE SUPPLIED**

A Home Rule Note has been supplied for HOUSE BILL 1850, as amended.

**FISCAL NOTE REQUEST WITHDRAWN**

Representative Poe withdrew his request for a Fiscal Note on SENATE BILL 3388, as amended.

**STATE MANDATES FISCAL NOTE REQUEST WITHDRAWN**

Representative Poe withdrew his request for a State Mandates Fiscal Note on SENATE BILL 3388, as amended.

**CHANGE OF SPONSORSHIP**

With the consent of the affected members, Representative Holbrook was removed as principal sponsor, and Representative Mautino became the new principal sponsor of SENATE BILL 1960.

With the consent of the affected members, Representative Jakobsson was removed as principal sponsor, and Representative Flowers became the new principal sponsor of HOUSE BILL 1760.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Chapa LaVia became the new principal sponsor of HOUSE BILL 6862.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Jackson became the new principal sponsor of HOUSE BILL 1715.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Flowers became the new principal sponsor of HOUSE BILL 1721.

With the consent of the affected members, Representative Flowers was removed as principal sponsor, and Representative Jackson became the new principal sponsor of HOUSE BILL 1721.

With the consent of the affected members, Representative Jackson was removed as principal sponsor, and Representative Flowers became the new principal sponsor of HOUSE BILL 1715.

### **HOUSE RESOLUTION**

The following resolution was offered and placed in the Committee on Rules.

#### **HOUSE RESOLUTION 1517**

Offered by Representative Colvin:

WHEREAS, The New Strategic Arms Reduction Treaty (New START) reestablishes U.S. leadership on global non-proliferation of nuclear weapons; and

WHEREAS, New START reduces Russia's nuclear arsenal and takes concrete steps to secure a nuclear-free world without sacrificing America's security; and

WHEREAS, New START would eventually lower the number of warheads, missiles, and launchers permitted in both countries; and

WHEREAS, New START reestablishes U.S. inspections of Russia's nuclear facilities and assets; and

WHEREAS, New START serves as a deterrent to unmonitored nuclear waste disposal; and

WHEREAS, New START provides funding for much needed maintenance and modernization of existing United States nuclear facilities and assets; and

WHEREAS, New START provides funding for new U.S. nuclear asset infrastructure; and

WHEREAS, New START promotes job creation; and

WHEREAS, The development of nuclear bunker-busters, mini-nukes, and other "usable" nuclear weapons is increasing the probability that such weapons will be used; and

WHEREAS, Reliable news reports and public statements of national policy have revealed that the taboo against the combat use of nuclear weapons is weakening; and

WHEREAS, Any violation of the taboo against the use of nuclear weapons is extremely likely to stimulate further violations; and

WHEREAS, The use of even a small nuclear weapon could destroy a city like the City of Chicago, killing up to one million people, or disable a mega-port or destroy a nuclear power plant, thereby severely damaging the global economy, and a nuclear exchange of as few as 100 nuclear explosions would plunge the world into ten years of cold and famine resulting in up to one billion deaths; and

WHEREAS, The use of any nuclear weapon for any purpose whatsoever is illegal, immoral, and obscenely dangerous; and

WHEREAS, It is vital to rapidly arouse the global public and create a worldwide political climate in strong, unwavering support against the taboo use and further creation of nuclear weapons; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare our support for New START to further reduce the number of nuclear weapons in the world; and be it further

RESOLVED, That Pasha Hunt-Golliday, in her role as a Nuclear Security Ambassador, be commended for her tireless advocacy on behalf of a nuclear weapon-free world.

### **AGREED RESOLUTIONS**

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### **HOUSE RESOLUTION 1515**

Offered by Representative Burns:

Mourns the death of Janina Monkute Marks of Chicago.

#### **HOUSE RESOLUTION 1516**

Offered by Representative Cross:

Congratulates our friend and colleague, Illinois State Representative William B. "Bill" Black, on the occasion of his retirement after many years of service to the people of the State of Illinois.

HOUSE RESOLUTION 1518

Offered by Representative Coulson:  
Congratulates Mary Sheehan on her retirement as president and CEO of Midwest CareCenter.

HOUSE RESOLUTION 1519

Offered by Representative Sacia:  
Congratulates the members of the Scales Mound High School Lady Hornets volleyball team on the occasion of the team's spectacular season.

HOUSE RESOLUTION 1520

Offered by Representative Cavaletto:  
Congratulates the Breese Central High School Girls Volleyball Team, the Cougars, on winning second place in the I.H.S.A. Class 2A State finals.

HOUSE RESOLUTION 1521

Offered by Representative Cavaletto:  
Congratulates the Mater Dei High School Girls Volleyball Team, the Knights, on winning the Illinois Class 3A State Championship.

HOUSE RESOLUTION 1522

Offered by Representative Bost:  
Congratulates Dr. Gerald McClallen on becoming the President of the Illinois Osteopathic Medical Society.

HOUSE RESOLUTION 1524

Offered by Representative Reboletti:  
Congratulates the York Community High School Cross Country Team on winning the 2010 State Championship.

**HOUSE BILL ON SECOND READING**

HOUSE BILL 1512. Having been read by title a second time on November 17, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Watson offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1512 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Sections 8.46 and 8.49 as follows:  
(30 ILCS 105/8.46)

Sec. 8.46. Transfers to the FY09 Budget Relief Fund.

(a) The FY09 Budget Relief Fund is created as a special fund in the State Treasury. Amounts may be expended from the Fund only pursuant to specific authorization by appropriation.

(b) Notwithstanding any other State law to the contrary, the State Treasurer and State Comptroller are directed to transfer to the FY09 Budget Relief Fund the following amounts from the funds specified, in equal quarterly installments with the first made on the effective date of this amendatory Act of the 95th General Assembly, or as soon thereafter as practical, and with the remaining transfers to be made on October 1, 2008, January 1, 2009, and April 1, 2009, or as soon thereafter as practical:

FUND NUMBER	NAME	AMOUNT	AND
Alternate Fuels Fund (0422)	.....	2,000,000	

Alternative Compliance Market Account Fund (0738).....	200,000
Appraisal Administration Fund (0386).....	250,000
Asbestos Abatement Fund (0224).....	2,000,000
Assisted Living and Shared	
Housing Regulatory Fund (0702).....	100,000
Whistleblower Reward and Protection Fund (0600).....	8,250,000
Auction Recovery Fund (0643).....	200,000
Auction Regulation Administration Fund (0641).....	500,000
Audit Expense Fund (0342).....	3,250,000
Build Illinois Capital Revolving Loan Fund (0973).....	2,000,000
Capital Development Board Revolving Fund (0215).....	250,000
Care Provider Fund for Persons	
with a Developmental Disability Fund (0344).....	1,000,000
Child Labor and Day and Temporary	
Labor Services Enforcement Fund (0357).....	500,000
Child Support Administrative Fund (0757).....	1,000,000
Community Water Supply Laboratory Fund (0288).....	200,000
Corporate Franchise Tax Refund Fund (0380).....	200,000
Death Certificate Surcharge Fund (0635).....	500,000
Department of Corrections Reimbursement	
and Education Fund (0523).....	1,500,000
Dram Shop Fund (0821).....	500,000
Drivers Education Fund (0031).....	1,000,000
Drug Rebate Fund (0728).....	3,000,000
Drycleaner Environmental Response Trust Fund (0548).....	2,000,000
Energy Efficiency Trust Fund (0571).....	1,000,000
Environmental Protection Permit and	
Inspection Fund (0944).....	1,500,000
Fair and Exposition Fund (0245).....	500,000
Federal Asset Forfeiture Fund (0520).....	500,000
Feed Control Fund (0369).....	250,000
Fertilizer Control Fund (0290).....	250,000
Financial Institution Fund (0021).....	2,000,000
Fish and Wildlife Endowment Fund (0260).....	500,000
Food and Drug Safety Fund (0014).....	250,000
Fund for Illinois' Future Fund (0611).....	10,000,000
General Professions Dedicated Fund (0022).....	5,000,000
Group Workers' Compensation Pool	
Insolvency Fund (0739).....	250,000
Hazardous Waste Fund (0828).....	1,000,000
Health and Human Services Medicaid Trust Fund (0365).....	5,000,000
Health Facility Plan Review Fund (0524).....	500,000
Health Insurance Reserve Fund (0907).....	5,000,000
Home Inspector Administration Fund (0746).....	500,000
Horse Racing Fund (0632).....	250,000
Illinois Affordable Housing Trust Fund (0286).....	2,000,000
Illinois Charity Bureau Fund (0549).....	200,000
Illinois Clean Water Fund (0731).....	5,000,000
Illinois Community College Board Contracts	
and Grants Fund (0339).....	250,000
Illinois Forestry Development Fund (0905).....	500,000
Illinois Habitat Fund (0391).....	1,000,000
Illinois Health Facilities Planning Fund (0238).....	1,000,000
Illinois Historic Sites Fund (0538).....	250,000
Illinois State Dental Disciplinary Fund (0823).....	1,000,000
Illinois State Medical Disciplinary Fund (0093).....	5,000,000
Illinois State Pharmacy Disciplinary Fund (0057).....	250,000

Illinois State Podiatric Disciplinary Fund (0954).....	200,000
Illinois Tax Increment Fund (0281).....	250,000
Innovations in Long-term Care Quality	
Demonstration Grants Fund (0371).....	1,000,000
Insurance Financial Regulation Fund (0997).....	5,000,000
Insurance Producer Administration Fund (0922).....	3,000,000
International Tourism Fund (0621).....	5,000,000
Large Business Attraction Fund (0975).....	500,000
Law Enforcement Camera Grant Fund (0356).....	800,000
Lead Poisoning, Screening, Prevention, and Abatement Fund (0360).....	250,000
Local Tourism Fund (0969).....	5,000,000
Long Term Care Monitor/Receiver Fund (0285).....	1,000,000
Low-Level Radioactive Waste Facility	
Development and Operation Fund (0942).....	250,000
Medicaid Buy-In Program Revolving Fund (0740).....	500,000
Medical Special Purpose Trust Fund (0808).....	500,000
Mental Health Fund (0050).....	5,000,000
Metabolic Screening and Treatment Fund (0920).....	500,000
Nuclear Safety Emergency Preparedness Fund (0796).....	3,000,000
Nursing Dedicated and Professional Fund (0258).....	2,000,000
Off-Highway Vehicle Trails Fund (0574).....	250,000
Optometric Licensing and Disciplinary	
Board Fund (0259).....	200,000
Park and Conservation Fund (0962).....	2,000,000
Pesticide Control Fund (0576).....	500,000
Pet Population Control Fund (0764).....	250,000
Plumbing Licensure and Program Fund (0372).....	750,000
Presidential Library and Museum Operating Fund (0776).....	500,000
Professions Indirect Cost Fund (0218).....	2,000,000
Provider Inquiry Trust Fund (0341).....	250,000
Public Health Laboratory Services	
Revolving Fund (0340).....	500,000
Public Infrastructure Construction	
Loan Revolving Fund (0993).....	1,000,000
Public Pension Regulation Fund (0546).....	250,000
Public Utility Fund (0059).....	5,000,000
Rail Freight Loan Repayment Fund (0936).....	1,000,000
Real Estate License Administration Fund (0850).....	5,000,000
Registered Certified Public Accountants'	
Administration and Disciplinary Fund (0151).....	500,000
Renewable Energy Resources Trust Fund (0564).....	5,000,000
School Technology Revolving Loan Fund (0569).....	500,000
Solid Waste Management Fund (0078).....	2,000,000
State Asset Forfeiture Fund (0514).....	1,000,000
State Boating Act Fund (0039).....	500,000
State Migratory Waterfowl Stamp Fund (0953).....	500,000
State Offender DNA Identification System Fund (0537).....	250,000
State Parks Fund (0040).....	250,000
State Pensions Fund (0054).....	5,000,000
State Pheasant Fund (0353).....	250,000
State Police DUI Fund (0222).....	250,000
State Police Services Fund (0906).....	6,000,000
State Police Whistleblower Reward	
and Protection Fund (0705).....	2,000,000
State Police Wireless Service Emergency Fund (0637).....	1,000,000
State Rail Freight Loan Repayment Fund (0265).....	2,000,000

Subtitle D Management Fund (0089).....	250,000
Tax Compliance and Administration Fund (0384).....	250,000
Tax Recovery Fund (0310).....	250,000
Teacher Certificate Fee Revolving Fund (0016).....	250,000
Tobacco Settlement Recovery Fund (0733).....	3,000,000
Tourism Promotion Fund (0763).....	5,000,000
Traffic and Criminal Conviction Surcharge Fund (0879).....	1,000,000
Transportation Regulatory Fund (0018).....	500,000
Trauma Center Fund (0397).....	2,000,000
Underground Resources Conservation Enforcement Trust Fund (0261).....	200,000
Used Tire Management Fund (0294).....	1,000,000
Weights and Measures Fund (0163).....	1,000,000
Wildlife and Fish Fund (0041).....	5,000,000
Wireless Carrier Reimbursement Fund (0613).....	5,000,000
Petroleum Violation Fund (0900).....	1,000,000
Communications Revolving Fund (0312).....	1,000,000
Facilities Management Revolving Fund (0314).....	1,000,000
Professional Services Fund (0317).....	2,000,000
State Garage Revolving Fund (0303).....	1,000,000
Statistical Services Revolving Fund (0304).....	2,000,000
Workers' Compensation Revolving Fund (0332).....	1,000,000
Working Capital Revolving Fund (0301).....	500,000
Abandoned Mined Lands Reclamation Set Aside Fund (0257).....	5,000,000
DHS Private Resources Fund (0690).....	500,000
DHS Recoveries Trust Fund (0921).....	1,000,000
DNR Special Projects Fund (0884).....	500,000
Early Intervention Services Revolving Fund (0502).....	1,000,000
EPA Special State Projects Trust Fund (0074).....	1,000,000
Environmental Protection Trust Fund (0845).....	250,000
Land Reclamation Fund (0858).....	250,000
Local Government Health Insurance Reserve Fund (0193).....	1,000,000
Narcotics Profit Forfeiture Fund (0951).....	250,000
Public Aid Recoveries Trust Fund (0421).....	3,000,000
Public Health Special State Projects Fund (0896).....	3,000,000
CDB Contributory Trust Fund (0617).....	2,000,000
Department of Labor Special State Trust Fund (0251).....	250,000
IP TIP Administrative Trust Fund (0195).....	250,000
Illinois Agricultural Loan Guarantee Fund (0994).....	2,000,000
Illinois Farmer and Agri-Business Loan Guarantee Fund (0205).....	1,000,000
Illinois Habitat Endowment Trust Fund (0390).....	2,000,000
Illinois Tourism Tax Fund (0452).....	250,000
Injured Workers' Benefit Fund (0179).....	500,000
Natural Heritage Endowment Trust Fund (0069).....	250,000
Pollution Control Board State Trust Fund (0207).....	250,000
Real Estate Recovery Fund (0629).....	250,000
TOTAL	221,250,000

(c) On and after the effective date of this amendatory Act of the 95th General Assembly through June 30, 2009, when any of the funds listed in subsection (b) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the FY09 Budget Relief Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act. All or a portion of the amounts transferred from the

FY09 Budget Relief Fund to a fund pursuant to this subsection (c) from time to time may be re-transferred by the State Comptroller and the State Treasurer from the receiving fund into the FY09 Budget Relief Fund as soon as and to the extent that deposits are made into or receipts are collected by the receiving fund.

(d) In addition to any other transfers that may be provided for by law, on December 1, 2010, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$500,000 from the FY09 Budget Relief Fund to the DHS Private Resources Fund.

(Source: P.A. 95-1000, eff. 10-7-08.)

(30 ILCS 105/8.49)

Sec. 8.49. Special fund transfers.

(a) In order to maintain the integrity of special funds and improve stability in the General Revenue Fund, the following transfers are authorized from the designated funds into the General Revenue Fund:

Food and Drug Safety Fund.....	\$6,800
Penny Severns Breast, Cervical, and Ovarian Cancer Research Fund.....	\$33,300
Transportation Regulatory Fund.....	\$2,122,000
General Professions Dedicated Fund.....	\$3,511,900
Economic Research and Information Fund.....	\$1,120
Illinois Department of Agriculture	
Laboratory Services Revolving Fund.....	\$12,825
Drivers Education Fund.....	\$2,244,000
Aeronautics Fund.....	\$25,360
Fire Prevention Fund.....	\$10,400,000
Rural/Downstate Health Access Fund.....	\$1,700
Mental Health Fund.....	\$24,560,000
Illinois State Pharmacy Disciplinary Fund.....	\$2,054,100
Public Utility Fund.....	\$960,175
Alzheimer's Disease Research Fund.....	\$112,500
Radiation Protection Fund.....	\$92,250
Natural Heritage Endowment Trust Fund.....	\$250,000
Firearm Owner's Notification Fund.....	\$256,400
EPA Special State Projects Trust Fund.....	\$3,760,000
Solid Waste Management Fund.....	\$1,200,000
Illinois Gaming Law Enforcement Fund.....	\$141,000
Subtitle D Management Fund.....	\$375,000
Illinois State Medical Disciplinary Fund.....	\$11,277,200
Cemetery Consumer Protection Fund.....	\$658,000
Assistance to the Homeless Fund.....	\$13,800
Accessible Electronic Information	
Service Fund.....	\$10,000
CDLIS/AAMVAnet Trust Fund.....	\$110,000
Comptroller's Audit Expense Revolving Fund.....	\$31,200
Community Health Center Care Fund.....	\$450,000
Safe Bottled Water Fund.....	\$15,000
Facility Licensing Fund.....	\$363,600
Hansen-Therkelsen Memorial Deaf	
Student College Fund.....	\$503,700
Illinois Underground Utility Facilities	
Damage Prevention Fund.....	\$29,600
School District Emergency Financial	
Assistance Fund.....	\$2,059,200
Mental Health Transportation Fund.....	\$859
Registered Certified Public Accountants'	
Administration and Disciplinary Fund.....	\$34,600
State Crime Laboratory Fund.....	\$142,880
Agrichemical Incident Response Trust Fund.....	\$80,000
General Assembly Computer Equipment	
Revolving Fund.....	\$101,600

Weights and Measures Fund.....	\$625,000
Illinois School Asbestos Abatement Fund.....	\$299,600
Injured Workers' Benefit Fund.....	\$3,290,560
Violence Prevention Fund.....	\$79,500
Professional Regulation Evidence Fund.....	\$5,000
IPTIP Administrative Trust Fund.....	\$500,000
Diabetes Research Checkoff Fund.....	\$8,800
Ticket For The Cure Fund.....	\$1,200,000
Capital Development Board Revolving Fund.....	\$346,000
Professions Indirect Cost Fund.....	\$2,144,500
State Police DUI Fund.....	\$166,880
Medicaid Fraud and Abuse Prevention Fund.....	\$20,000
Illinois Health Facilities Planning Fund.....	\$1,392,400
Emergency Public Health Fund.....	\$875,000
TOMA Consumer Protection Fund.....	\$50,000
ISAC Accounts Receivable Fund.....	\$24,240
Fair and Exposition Fund.....	\$1,257,920
Department of Labor Special State Trust Fund.....	\$409,000
Public Health Water Permit Fund.....	\$24,500
Nursing Dedicated and Professional Fund.....	\$9,988,400
Optometric Licensing and Disciplinary Board Fund.....	\$995,800
Water Revolving Fund.....	\$4,960
Methamphetamine Law Enforcement Fund.....	\$50,000
Long Term Care Monitor/Receiver Fund.....	\$1,700,000
Home Care Services Agency Licensure Fund.....	\$48,000
Community Water Supply Laboratory Fund.....	\$600,000
Motor Fuel and Petroleum Standards Fund.....	\$41,416
Fertilizer Control Fund.....	\$162,520
Regulatory Fund.....	\$307,824
Used Tire Management Fund.....	\$8,853,552
Natural Areas Acquisition Fund.....	\$1,000,000
Working Capital Revolving Fund.....	\$6,450,000
Tax Recovery Fund.....	\$29,680
Professional Services Fund.....	\$3,500,000
Treasurer's Rental Fee Fund.....	\$155,000
Public Health Laboratory Services Revolving Fund.....	\$450,000
Provider Inquiry Trust Fund.....	\$200,000
Audit Expense Fund.....	\$5,972,190
Law Enforcement Camera Grant Fund.....	\$2,631,840
Child Labor and Day and Temporary Labor Services Enforcement Fund.....	\$490,000
Lead Poisoning Screening, Prevention, and Abatement Fund.....	\$100,000
Health and Human Services Medicaid Trust Fund.....	\$6,920,000
Prisoner Review Board Vehicle and Equipment Fund.....	\$147,900
Drug Treatment Fund.....	\$4,400,000
Feed Control Fund.....	\$625,000
Tanning Facility Permit Fund.....	\$20,000
Innovations in Long-Term Care Quality Demonstration Grants Fund.....	\$300,000
Plumbing Licensure and Program Fund.....	\$1,585,600
State Treasurer's Bank Services Trust Fund.....	\$6,800,000
State Police Motor Vehicle Theft	



Prevention Trust Fund.....	\$46,500
Insurance Premium Tax Refund Fund.....	\$58,700
Appraisal Administration Fund.....	\$378,400
Small Business Environmental Assistance Fund.....	\$24,080
Regulatory Evaluation and Basic Enforcement Fund.....	\$125,000
Gaining Early Awareness and Readiness for Undergraduate Programs Fund.....	\$15,000
Trauma Center Fund.....	\$4,000,000
EMS Assistance Fund.....	\$110,000
State College and University Trust Fund.....	\$20,204
University Grant Fund.....	\$5,608
DCEO Projects Fund.....	\$1,000,000
Alternate Fuels Fund.....	\$2,000,000
Multiple Sclerosis Research Fund.....	\$27,200
Livestock Management Facilities Fund.....	\$81,920
Second Injury Fund.....	\$615,680
Agricultural Master Fund.....	\$136,984
High Speed Internet Services and Information Technology Fund.....	\$3,300,000
Illinois Tourism Tax Fund.....	\$250,000
Human Services Priority Capital Program Fund.....	\$7,378,400
Warrant Escheat Fund.....	\$1,394,161
State Asset Forfeiture Fund.....	\$321,600
Police Training Board Services Fund.....	\$8,000
Federal Asset Forfeiture Fund.....	\$1,760
Department of Corrections Reimbursement and Education Fund.....	\$250,000
Health Facility Plan Review Fund.....	\$1,543,600
Domestic Violence Abuser Services Fund.....	\$11,500
LEADS Maintenance Fund.....	\$166,800
State Offender DNA Identification System Fund.....	\$615,040
Illinois Historic Sites Fund.....	\$250,000
Comptroller's Administrative Fund.....	\$134,690
Workforce, Technology, and Economic Development .....	\$2,000,000
Pawnbroker Regulation Fund.....	\$26,400
Renewable Energy Resources Trust Fund.....	\$13,408,328
Charter Schools Revolving Loan Fund.....	\$82,000
School Technology Revolving Loan Fund.....	\$1,230,000
Energy Efficiency Trust Fund.....	\$1,490,000
Pesticide Control Fund.....	\$625,000
Juvenile Accountability Incentive Block Grant Fund.....	\$10,000
Multiple Sclerosis Assistance Fund.....	\$8,000
Temporary Relocation Expenses Revolving Grant Fund.....	\$460,000
Partners for Conservation Fund.....	\$8,200,000
Fund For Illinois' Future.....	\$3,000,000
Wireless Carrier Reimbursement Fund.....	\$13,650,000
International Tourism Fund.....	\$5,043,344
Illinois Racing Quarterhorse Breeders Fund.....	\$1,448
Death Certificate Surcharge Fund.....	\$900,000
State Police Wireless Service Emergency Fund.....	\$1,329,280
Illinois Adoption Registry and	

Medical Information Exchange Fund.....	\$8,400
Auction Regulation Administration Fund.....	\$361,600
DHS State Projects Fund.....	\$193,900
Auction Recovery Fund.....	\$4,600
Motor Carrier Safety Inspection Fund.....	\$389,840
Coal Development Fund.....	\$320,000
State Off-Set Claims Fund.....	\$400,000
Illinois Student Assistance Commission	
Contracts and Grants Fund.....	\$128,850
DHS Private Resources Fund.....	\$1,000,000
Assisted Living and Shared Housing	
Regulatory Fund.....	\$122,400
State Police Whistleblower Reward	
and Protection Fund.....	\$3,900,000
Illinois Standardbred Breeders Fund.....	\$134,608
Post Transplant Maintenance and	
Retention Fund.....	\$85,800
Spinal Cord Injury Paralysis Cure	
Research Trust Fund.....	\$300,000
Organ Donor Awareness Fund.....	\$115,000
Community Mental Health Medicaid Trust Fund.....	\$1,030,900
Illinois Clean Water Fund.....	\$8,649,600
Tobacco Settlement Recovery Fund.....	\$10,000,000
Alternative Compliance Market Account Fund.....	\$9,984
Group Workers' Compensation Pool	
Insolvency Fund.....	\$42,800
Medicaid Buy-In Program Revolving Fund.....	\$1,000,000
Home Inspector Administration Fund.....	\$1,225,200
Real Estate Audit Fund.....	\$1,200
Marine Corps Scholarship Fund.....	\$69,000
Tourism Promotion Fund.....	\$30,000,000
Oil Spill Response Fund.....	\$4,800
Presidential Library and Museum	
Operating Fund.....	\$169,900
Nuclear Safety Emergency Preparedness Fund.....	\$6,000,000
DCEO Energy Projects Fund.....	\$2,176,200
Dram Shop Fund.....	\$500,000
Illinois State Dental Disciplinary Fund.....	\$187,300
Hazardous Waste Fund.....	\$800,000
Natural Resources Restoration Trust Fund.....	\$7,700
State Fair Promotional Activities Fund.....	\$1,672
Continuing Legal Education Trust Fund.....	\$10,550
Environmental Protection Trust Fund.....	\$625,000
Real Estate Research and Education Fund.....	\$1,081,000
Federal Moderate Rehabilitation	
Housing Fund.....	\$44,960
Domestic Violence Shelter and Service Fund.....	\$55,800
Snowmobile Trail Establishment Fund.....	\$5,300
Drug Traffic Prevention Fund.....	\$11,200
Traffic and Criminal Conviction	
Surcharge Fund.....	\$5,400,000
Design Professionals Administration	
and Investigation Fund.....	\$73,200
Public Health Special State Projects Fund.....	\$1,900,000
Petroleum Violation Fund.....	\$1,080
State Police Services Fund.....	\$7,082,080
Illinois Wildlife Preservation Fund.....	\$9,900

Youth Drug Abuse Prevention Fund.....	\$133,500
Insurance Producer Administration Fund.....	\$12,170,000
Coal Technology Development Assistance Fund.....	\$1,856,000
Child Abuse Prevention Fund.....	\$250,000
Hearing Instrument Dispenser Examining and Disciplinary Fund.....	\$50,400
Low-Level Radioactive Waste Facility Development and Operation Fund.....	\$1,000,000
Environmental Protection Permit and Inspection Fund.....	\$755,775
Landfill Closure and Post-Closure Fund.....	\$2,480
Narcotics Profit Forfeiture Fund.....	\$86,900
Illinois State Podiatric Disciplinary Fund.....	\$200,000
Vehicle Inspection Fund.....	\$5,000,000
Local Tourism Fund.....	\$10,999,280
Illinois Capital Revolving Loan Fund.....	\$3,856,904
Illinois Equity Fund.....	\$3,520
Large Business Attraction Fund.....	\$13,560
International and Promotional Fund.....	\$42,040
Public Infrastructure Construction Loan Revolving Fund.....	\$2,811,232
Insurance Financial Regulation Fund.....	\$5,881,180
TOTAL	\$351,738,973

All of these transfers shall be made in equal quarterly installments with the first made on July 1, 2009, or as soon thereafter as practical, and with the remaining transfers to be made on October 1, January 1, and April 1, or as soon thereafter as practical. These transfers shall be made notwithstanding any other provision of State law to the contrary.

(b) On and after the effective date of this amendatory Act of the 96th General Assembly through June 30, 2010, when any of the funds listed in subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act.

(c) If the Director of the Governor's Office of Management and Budget determines that any transfer to the General Revenue Fund from a special fund under subsection (a) either (i) jeopardizes federal funding based on a written communication from a federal official or (ii) violates an order of a court of competent jurisdiction, then the Director may order the State Treasurer and State Comptroller, in writing, to transfer from the General Revenue Fund to that listed special fund all or part of the amounts transferred from that special fund under subsection (a).

(d) In addition to any other transfers that may be provided for by law, on December 1, 2010, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the following amounts from the General Revenue Fund to the designated funds:

<u>Hansen-Therkelsen Memorial Deaf Student College Fund.....</u>	<u>\$503,700</u>
<u>DHS Private Resources Fund.....</u>	<u>\$1,000,000</u>

(Source: P.A. 96-44, eff. 7-15-09; 96-45, eff. 7-15-09; 96-150, eff. 8-7-09; 96-1000, eff. 7-2-10.)  
Section 99. Effective date. This Act takes effect upon becoming law."

Representative Burns offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1512, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 20, by inserting immediately below line 8 the following:

"Section 10. The Criminal Code of 1961 is amended by changing Section 11-19.3 as follows:  
(720 ILCS 5/11-19.3)

Sec. 11-19.3. Vehicle impoundment.

(a) In addition to any other penalty provided by law, a peace officer who arrests a person for a violation of Section 10-9, 11-14 ~~10-14~~, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,

11-19.1, or 11-19.2 of this Code, may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of the fee.

(b) \$500 of the fee shall be distributed to the unit of government whose peace officers made the arrest, for the costs incurred by the unit of government to tow and impound the vehicle. Upon the defendant's conviction of one or more of the offenses in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the ~~DHS State Projects Violent Crime Victims Assistance~~ Fund and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for persons encountered during the course of an investigation into any violation of Section 10-9, 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, or 11-19.2 of this Code, provided such persons constitute prostituted persons or other victims of human trafficking.

(c) Upon the presentation by the defendant of a signed court order showing that the defendant has been acquitted of all of the offenses in connection with which a vehicle was impounded and a fee imposed under this Section, or that the charges against the defendant for those offenses have been dismissed, the unit of government shall refund the \$1,000 fee to the defendant.  
(Source: P.A. 96-1464, eff. 8-20-10; revised 11-4-10.)"

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

#### **HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Watson, HOUSE BILL 1512 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: 114, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

#### **AGREED RESOLUTION**

HOUSE RESOLUTION 1484 was taken up for consideration.  
Representative Brauer moved the adoption of the agreed resolution.  
The motion prevailed and the agreed resolution was adopted.

#### **HOUSE BILLS ON SECOND READING**

HOUSE BILL 1525. Having been read by title a second time on November 17, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Zalewski offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1525 by replacing everything after the enacting clause with the following:

"Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-15 as follows:

(35 ILCS 10/5-15)

Sec. 5-15. Tax Credit Awards. Subject to the conditions set forth in this Act, a Taxpayer is entitled to a Credit against or, as described in subsection (g) of this Section, a payment towards taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act that may be imposed on the Taxpayer for a taxable year beginning on or after January 1, 1999, if the Taxpayer is awarded a Credit by the Department under this Act for that taxable year.

(a) The Department shall make Credit awards under this Act to foster job creation and retention in Illinois.

(b) A person that proposes a project to create new jobs in Illinois must enter into an Agreement with the Department for the Credit under this Act.

(c) The Credit shall be claimed for the taxable years specified in the Agreement.

(d) The Credit shall not exceed the Incremental Income Tax attributable to the project that is the subject of the Agreement.

(e) Nothing herein shall prohibit a Tax Credit Award to an Applicant that uses a PEO if all other award criteria are satisfied.

(f) In lieu of the Credit allowed under this Act against the taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act for any taxable year ending on or after December 31, 2009, the Taxpayer may elect to claim the Credit against its obligation to pay over withholding under Section 704A of the Illinois Income Tax Act.

(1) The election under this subsection (f) may be made only by a Taxpayer that (i) is primarily engaged in one of the following business activities: water purification and treatment, motor vehicle metal stamping, automobile manufacturing, automobile and light duty motor vehicle manufacturing, motor vehicle manufacturing, light truck and utility vehicle manufacturing, heavy duty truck manufacturing, or motor vehicle body manufacturing and (ii) meets the following criteria:

(A) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, (iii) has an Agreement under this Act on December 14, 2009 (the effective date of Public Act 96-834), and (iv) is in compliance with all provisions of that Agreement;

(B) the Taxpayer (i) had an Illinois net loss or an Illinois net loss deduction under Section 207 of the Illinois Income Tax Act for the taxable year in which the Credit is awarded, (ii) employed a minimum of 1,000 full-time employees in this State during the taxable year in which the Credit is awarded, and (iii) has applied for an Agreement within 365 days after December 14, 2009 (the effective date of Public Act 96-834); ~~or~~

(C) the Taxpayer (i) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2008, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 400 new jobs in Illinois, (iv) retains at least 2,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least \$75,000,000; or -

(D) the Taxpayer (ii) had an Illinois net operating loss carryforward under Section 207 of the Illinois Income Tax Act in a taxable year ending during calendar year 2009, (ii) has applied for an Agreement within 150 days after the effective date of this amendatory Act of the 96th General Assembly, (iii) creates at least 150 new jobs, (iv) retains at least 1,000 jobs in Illinois that would have been at risk of relocation out of Illinois over a 10-year period, and (v) makes a capital investment of at least \$57,000,000.

(2) An election under this subsection shall allow the credit to be taken against payments otherwise due under Section 704A of the Illinois Income Tax Act during the first calendar year beginning after the end of the taxable year in which the credit is awarded under this Act.

(3) The election shall be made in the form and manner required by the Illinois Department of Revenue and, once made, shall be irrevocable.

(4) If a Taxpayer who meets the requirements of subparagraph (A) of paragraph (1) of this subsection (f) elects to claim the Credit against its withholdings as provided in this subsection (f), then, on and after the date of the election, the terms of the Agreement between the Taxpayer and the Department may not be further amended during the term of the Agreement.

(g) A pass-through entity that has been awarded a credit under this Act, its shareholders, or its partners may treat some or all of the credit awarded pursuant to this Act as a tax payment for purposes of the Illinois Income Tax Act. The term "tax payment" means a payment as described in Article 6 or Article 8 of the

Illinois Income Tax Act or a composite payment made by a pass-through entity on behalf of any of its shareholders or partners to satisfy such shareholders' or partners' taxes imposed pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act. In no event shall the amount of the award credited pursuant to this Act exceed the Illinois income tax liability of the pass-through entity or its shareholders or partners for the taxable year.

(Source: P.A. 95-375, eff. 8-23-07; 96-834, eff. 12-14-09; 96-836, eff. 12-16-09; 96-905, eff. 6-4-10; 96-1000, eff. 7-2-10.)

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1935. Having been read by title a second time on November 17, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Rose offered and withdrew Amendment No. 1.

Representative Rose offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 1935 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 4-203 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; Towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this

Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

- (1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or
- (2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

- a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

- a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

- b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

- c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

- d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously

maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than \$100 nor more than \$500.

(g)(1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

(2) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocater or any other towing service authorized by a law enforcement agency in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

(4) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: child restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash,



credit cards, checks, or checkbooks; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this paragraph (4) if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner.

(5) This paragraph (5) applies only in the case of a vehicle that is towed as a result of being involved in an accident. In addition to the personal property excepted under paragraph (4), all other personal property in a vehicle subject to a lien under this subsection (g) is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocater or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this subsection (g) if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident are exclusive powers and functions of the State. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in an accident. This paragraph (5) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(6) No lien under this subsection (g) shall: exceed \$2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a) of Section 11-506 of this Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection (h) to the registered owner of the vehicle under any of the following circumstances:

(1) If the vehicle is a stolen vehicle; or

(2) If the person ticketed for a violation of subsection (a) of Section 11-506 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) If the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing; or

(4) If the legal owner or registered owner of the vehicle is a rental car agency; or

(5) If, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(Source: P.A. 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621, eff. 6-1-08; 95-876, eff. 8-21-08; 96-1274, eff. 7-26-10.)

Section 99. Effective date. This Act takes effect January 1, 2011."

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### **HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Rose, HOUSE BILL 1935 was taken up and read by title a third time.

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

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **SENATE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative McCarthy, SENATE BILL 550 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: 114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 4)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Miller, SENATE BILL 3776 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:

114, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

### **CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendment No. 1 to HOUSE BILL 5085, having been reproduced, was taken up for consideration.

Representative Harris moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 6)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 5085.

Ordered that the Clerk inform the Senate.

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 1 was distributed to the Members at 10:53 o'clock a.m.

### **HOUSE BILL ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 6881.

### SENATE BILLS ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 362.

SENATE BILL 678. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 678, by replacing everything after the enacting clause with the following:

"Section 5. The Clean Coal FutureGen for Illinois Act is amended by changing Sections 5, 10, 15, and 998 as follows:

(20 ILCS 1107/5)

(Section scheduled to be repealed on December 31, 2010)

Sec. 5. Purpose. Recognizing that the FutureGen Project is a first-of-a-kind research project to permanently sequester underground captured CO2 carbon dioxide emissions from :(1) a coal-fueled power plant that uses as its primary fuel source high volatile bituminous rank coal with greater than 1.7 pounds of sulfur per million btu content or (2) other approved and permitted captured CO2 sources in the State of Illinois, and that such a project would have benefits to the economy and environment of Illinois, the purpose of this Act is to provide the FutureGen Alliance with adequate liability protection and permitting certainty to facilitate the siting of the FutureGen Project in the State of Illinois, to provide to the State of Illinois certain financial benefits from environmental attributes for the Project, and to help secure over \$1 billion in federal funding for the Project.

(Source: P.A. 95-18, eff. 7-30-07.)

(20 ILCS 1107/10)

(Section scheduled to be repealed on December 31, 2010)

Sec. 10. Legislative findings. The General Assembly finds and determines that:

(1) human-induced greenhouse gas emissions have been identified as contributing to global warming, the effects of which pose a threat to public health and safety and the economy of the State of Illinois;

(2) in order to meet the energy needs of the State of Illinois, keep its economy strong and protect the environment while reducing its contribution to human-induced greenhouse gas emissions, the State of Illinois must be a leader in developing new low-carbon technologies;

(3) carbon capture and storage is a low-carbon technology that involves capturing the captured CO2 carbon dioxide from fossil fuel energy electric and hydrogen generating units and other industrial facilities and injecting it into secure geologic strata for permanent storage;

(4) the FutureGen Project is a public-private partnership between the Federal Department of Energy and the FutureGen Alliance that proposes to use this new technology as part of a plan to transport and store captured CO2 from a coal-fueled power plant that uses as its primary fuel source high-volatile bituminous rank coal with greater than 1.7 pounds of sulfur per million btu content and other captured CO2 sources that are approved by the appropriate State of Illinois agency and permitted in the State of Illinois build and operate a near zero emission coal fueled power plant;

(5) the FutureGen Project will help ensure the long-term viability of Illinois Basin coal as a major energy source in the State of Illinois and throughout the nation and represents a significant step in the State of Illinois' efforts to become a self-sufficient, clean energy producer;

(6) the FutureGen Project provides an opportunity for the State of Illinois to partner with the Federal Department of Energy and the FutureGen Alliance in the development of these innovative clean-coal technologies;

(7) the FutureGen Project will make the State of Illinois a center for developing and refining clean coal technology, hydrogen production and carbon capture and storage, and will result in the development of new technologies designed to improve the efficiency of the energy industry that will be replicated world wide;

(8) the FutureGen Project is an important coal development and conversion project that will create jobs in the State of Illinois during the construction and operational phases, contribute to the

overall economy of the State of Illinois and help reinvigorate the Illinois Basin coal industry; and

(9) the FutureGen Project and the property necessary for the FutureGen Project serve a substantial public purpose as its advanced clean-coal coal gasification, electricity generation, ~~hydrogen production~~, advanced emissions control and carbon capture and storage technologies will benefit the citizens of the State of Illinois.

(Source: P.A. 95-18, eff. 7-30-07.)

(20 ILCS 1107/15)

(Section scheduled to be repealed on December 31, 2010)

Sec. 15. Definitions. For the purposes of this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Captured CO<sub>2</sub>" means CO<sub>2</sub> and other trace chemical constituents approved by the Agency for injection into the Mount Simon Formation.

"Carbon capture and storage" means the process of collecting captured CO<sub>2</sub> ~~capturing CO<sub>2</sub> and other chemical constituents~~ from coal combustion by-products for the purpose of injecting and storing the captured CO<sub>2</sub> gas for permanent storage.

"Carbon dioxide" or "CO<sub>2</sub>" means a colorless, odorless gas in the form of one carbon and 2 oxygen atoms that is the principal greenhouse gas.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

"Federal Department" means the federal Department of Energy.

"FutureGen Alliance" is a 501(c)(3) non-profit consortium of coal and energy producers created to benefit the public interest and the interest of science through the research, development, and demonstration of near zero-emission coal technology, with the cooperation of the Federal Department ~~that, as of the effective date of this Act, includes American Electric Power, Anglo American plc, BHP Billiton, E. ON US, China Huaneng Group, CONSOL Energy, Foundation Coal, Kennebecott Energy, Peabody Energy, PPL Corporation, Rio Tinto Energy American, Southern Company, and Xstrata Coal.~~

"FutureGen Project" means the public-private partnership between the Federal Department and the FutureGen Alliance that will control captured CO<sub>2</sub> and will construct and operate a pipeline and storage field for captured CO<sub>2</sub> coal fueled power plant utilizing state of the art clean coal technology and carbon capture and storage. ~~Two locations in Illinois, Tuscola and Mattoon, are under consideration for the FutureGen Project. These are the only locations eligible for benefits under this Act.~~

"Mount Simon Formation" means the deep sandstone reservoir into which the sequestered CO<sub>2</sub> gas is to be injected at a depth greater than 3,500 feet ~~depths generally ranging between 5,500 and 8,500 feet~~ below ground surface and that is bounded by the granitic basement below and the Eau Claire Shale above.

"Operator" means the FutureGen Alliance and its member companies, including their parent companies, subsidiaries, affiliates, directors, officers, employees, and agents, or a not-for-profit successor-in-interest approved by the Department.

"Post-injection" means after the captured CO<sub>2</sub> gas has been successfully injected into the wellhead at the point at which the captured CO<sub>2</sub> gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation.

"Pre-injection" means all activities and occurrences prior to successful delivery into the wellhead at the point at which the captured CO<sub>2</sub> gas is transferred into the wellbore for carbon sequestration and storage into the Mount Simon Formation, including but not limited to, the operation of the FutureGen Project.

"Public liability" means any civil legal liability arising out of or resulting from the storage, escape, release, or migration of the post-injection sequestered CO<sub>2</sub> gas that was injected by the Operator and for which title is transferred to the State pursuant to Section 20 of this Act ~~during the operation of the FutureGen Project by the FutureGen Alliance.~~ The term "public liability", however, does not include any legal liability arising out of or resulting from the construction, operation, or other pre-injection activity of the Operator or any other third party.

"Public liability action" or "action" means a written demand, lawsuit, or claim from any third party received by the Operator seeking a remedy or alleging liability on behalf of Operator resulting from any public liability.

"Sequestered CO<sub>2</sub> gas" means the captured CO<sub>2</sub> and other chemical constituents from the FutureGen Project operations that is ~~are~~ injected into the Mount Simon Formation by the Operator.

(Source: P.A. 95-18, eff. 7-30-07.)

(20 ILCS 1107/998)

(Section scheduled to be repealed on December 31, 2010)

Sec. 998. Repeal. This Act is repealed on March 1, 2011 ~~December 31, 2010 unless the FutureGen Project has been located at either the Mattoon or Tuscola site in Illinois.~~

(Source: P.A. 95-18, eff. 7-30-07.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 2559. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue & Finance, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2559 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 21-150 as follows:

(35 ILCS 200/21-150)

Sec. 21-150. Time of applying for judgment. Except as otherwise provided in this Section or by ordinance or resolution enacted under subsection (c) of Section 21-40, all applications for judgment and order of sale for taxes and special assessments on delinquent properties shall be made within 90 days after the second installment due date. In Cook County, all applications for judgment and order of sale for taxes and special assessments on delinquent properties shall be made (i) by July 1, 2011 for tax year 2009 and (ii) within 90 days after the second installment due date for tax year 2010 and each tax year thereafter. In those counties which have adopted an ordinance under Section 21-40, the application for judgment and order of sale for delinquent taxes shall be made in December. In the 10 years next following the completion of a general reassessment of property in any county with 3,000,000 or more inhabitants, made under an order of the Department, applications for judgment and order of sale shall be made as soon as may be and on the day specified in the advertisement required by Section 21-110 and 21-115. If for any cause the court is not held on the day specified, the cause shall stand continued, and it shall be unnecessary to re-advertise the list or notice.

Within 30 days after the day specified for the application for judgment the court shall hear and determine the matter. If judgment is rendered, the sale shall begin on the date within 5 business days specified in the notice as provided in Section 21-115. If the collector is prevented from advertising and obtaining judgment within 90 days after the second installment due date, the collector may obtain judgment at any time thereafter; but if the failure arises by the county collector's not complying with any of the requirements of this Code, he or she shall be held on his or her official bond for the full amount of all taxes and special assessments charged against him or her. In Cook County, if the collector is prevented from advertising and obtaining judgment by July 1, 2011 for tax year 2009, or within 90 days after the second installment due date for tax year 2010 and each tax year thereafter, the collector may obtain judgment at any time thereafter, but if the failure arises by the county collector's not complying with any of the requirements of this Code, then the county collector shall be held on his or her official bond for the full amount of all taxes and special assessments charged against him or her. Any failure on the part of the county collector shall not be allowed as a valid objection to the collection of any tax or assessment, or to entry of a judgment against any delinquent properties included in the application of the county collector.

(Source: P.A. 96-1329, eff. 7-27-10.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3172. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue & Finance, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 3172 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 250 as follows:  
(35 ILCS 5/250)

Sec. 250. Sunset of exemptions, credits, and deductions. ~~The~~ The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction for tax years beginning on or after the sunset date. If a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction for tax years beginning on or after 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter; provided, however, that in the case of any Public Act authorizing the issuance of tax-exempt obligations that does not specify a sunset date for the exemption or deduction of income derived from the obligations, the exemption or deduction shall not terminate until after the obligations have been paid by the issuer. (Source: P.A. 88-660, eff. 9-16-94; 89-460, eff. 5-24-96.)".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

### RESOLUTION

Having been reported out of the Committee on Human Services on November 30, 2010, HOUSE RESOLUTION 1442 was taken up for consideration.

Representative Durkin moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

### AGREED RESOLUTION

HOUSE RESOLUTION 1524 was taken up for consideration.

Representative Reboletti moved the adoption of the agreed resolution.

The motion prevailed and the agreed resolution was adopted.

### RESOLUTION

Having been reported out of the Committee on Elementary & Secondary Education on November 30, 2010, HOUSE JOINT RESOLUTION 127 was taken up for consideration.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Joint Resolution 127 on page 1, by replacing lines 7 through 13 with the following:

"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the request made by St. Charles CUSD 303 - Kane with respect to driver education fee limits, identified in the report filed by the State Board of Education as request WM100-5349, is approved for up to \$400; and that this request is approved retroactively beginning on August 1, 2010 for up to \$200 and disapproved retroactively for the remaining \$200 such that by virtue of this resolution St. Charles CUSD 303 - Kane is deemed to have had the authority to charge a driver education fee of up to \$200 from August 1, 2010 until the date of adoption of this resolution by both houses; and be it further

RESOLVED, That the request made by DeKalb CUSD 428 - DeKalb with respect to driver education behind-the-wheel instruction, identified in the report filed by the State Board of Education as request WM100-5333-2, is disapproved; and be it further

RESOLVED, That the request made by Rock Island SD 41 - Rock Island with respect to driver education behind-the-wheel instruction, identified in the report filed by the State Board of Education as request WM100-5388-2, is approved for only one year and disapproved for the remaining years."

Representative Smith moved the adoption of the resolution, as amended.  
 And on that motion, a vote was taken resulting as follows:  
 90, Yeas; 22, Nays; 0, Answering Present.  
 (ROLL CALL 7)  
 The motion prevailed and the resolution was adopted, as amended.  
 Ordered that the Clerk inform the Senate and ask their concurrence.

### **SENATE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Lang, SENATE BILL 1381 was taken up and read by title a third time.  
 Representative Fritchey and Representative Stephens request a verified roll call should this bill receive the required numbers of votes for passage.  
 And the question being, "Shall this bill pass?"  
 Pending the vote on said bill, on motion of Representative Lang, further consideration of SENATE BILL 1381 was postponed.

### **HOUSE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Zalewski, HOUSE BILL 1525 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:  
 114, Yeas; 0, Nays; 0, Answering Present.  
 (ROLL CALL 8)  
 This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.  
 Ordered that the Clerk inform the Senate and ask their concurrence.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 1365. Having been read by title a second time on November 18, 2010, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 1365, AS AMENDED, 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:

- (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~~ and, by April 1, 2011, reduce to writing and make available on its website 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 rules, procedures, and forms to be used by State agencies in the administration and payment of workers' compensation claims. 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. 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.

(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.

(15) By April 1, 2011, recommend a plan to be administered by the General Assembly providing for the purchase of insurance or for self-insurance or for a combination of purchased insurance and self-insurance covering all foreseeable public liability and property exposures (including fire and casualty) of the General Assembly, its legislative district offices, and its members and employees acting within the scope of their service or employment. The plan shall be reduced to writing and filed with the Clerk of the House and the Secretary of the Senate. At a minimum, the plan shall include:

(A) specific reasons as to why the plan is the most economical and practical for the General Assembly;

(B) if the Department recommends that insurance be purchased, a listing of responsible private entities from which the General Assembly may procure such services;

(C) if the Department recommends that a system of self-insurance be established, specific procedures for the handling and settlement of claims;

(D) if the Department recommends that a system of self-insurance be established, an opinion as to whether additional appropriations in Fiscal Year 2011 or any fiscal year thereafter are necessary to implement the system; and

(E) specific procedures for the leasing of legislative district office space, including, without limitation, insurance obligations to be imposed upon lessors and standard language to be incorporated into lease agreements memorializing such obligations.

For purposes of this subdivision (15), "employee" means any person employed full-time, part-time, or pursuant to a contract.

(Source: P.A. 96-928, eff. 6-15-10.)

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

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Currie, HOUSE BILL 1365 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:

113, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 9)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

## RECALL

At the request of the principal sponsor, Representative Mautino, SENATE BILL 2485 was recalled from the order of Third Reading to the order of Second Reading.

### SENATE BILL ON SECOND READING

SENATE BILL 2485. Having been recalled on November 30, 2010, the same was again taken up. Representative Mautino offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 2485, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

- on page 5, line 19, by replacing "agreement" with "agreements"; and
- on page 7, lines 21 through 23, by deleting "only as approved by the Commission pursuant to Section 1-77 of this Act"; and
- on page 20, lines 8 through 9, by replacing "each year" with "at least every 5 years"; and
- on page 21, line 16, by replacing "each year" with "at least every 5 years"; and
- on page 24, line 23, by replacing "3-year" with "5-year"; and
- on page 24, line 26, by replacing "one-year" with "5-year"; and
- on page 25, line 21, after "plans", by inserting "under subsection (a)"; and
- on page 31, line 6, after "plans", by inserting "under subsection (a)"; and
- on page 35, by replacing line 2 with "with the initial clean coal facility facilities pursuant to"; and
- on page 35, line 19, by replacing "Section" with "paragraph (3)"; and
- on page 35, line 25, by replacing "that meet" with "meets"; and
- on page 35, by replacing line 26 with "requirements, each proposed initial clean coal facility meeting each of the requirements shall submit a proposed sourcing agreement to"; and
- on page 48, line 24, after "facility", by inserting "The mediator shall have knowledge of the energy industry"; and
- on page 50, by replacing line 14 with "and submitted, whether prepared and submitted before or after the effective date of this amendatory Act of the 96th General Assembly and authorizations and approvals obtained"; and
- on page 58, line 11, after "in", by inserting "this"; and
- on page 59, line 1, after "days", by inserting "after the"; and
- on page 59, line 3, by replacing "approve" with "calculate"; and
- on page 59, line 4, by replacing "based upon such projections and" with "using the inputs to the formula rate under"; and
- on page 59, line 5, by replacing "approve" with "calculate"; and
- on page 59, line 16, by replacing "approved" with "calculated"; and
- on page 59, line 23, by deleting "incurred by the initial clean coal facility"; and
- on page 59, line 24, after "incorporated", by inserting "as a deduction"; and
- on page 60, line 15, after "any", by inserting "cost information and"; and
- on page 60, by replacing lines 23 and 24 with "(d) of Section 1-75 of this Act"; and
- on page 63, by replacing line 21 with "contractors with respect to the contractor bearing risk for"; and
- on page 66, line 25, by deleting "for producing SNG"; and
- on page 67, line 1, after "million", by inserting "btu content"; and
- on page 67, line 23, after "means costs", by inserting "per ton of sequestered carbon dioxide"; and
- on page 68, line 8, after "Accounts", by inserting "for the initial clean coal facility"; and
- on page 68, line 11, after "System of Accounts", by inserting "for the initial clean coal facility"; and
- on page 68, by replacing line 24 with "determining sequestration capital costs and sequestration operations and maintenance costs, the Capital Development"; and
- on page 69, line 1, after "any", by inserting "cost information and"; and
- on page 69, line 2, after "not", by inserting "employ"; and
- on page 69, lines 7 through 9 by deleting "and any update on costs that may be provided by the initial clean coal facility"; and
- on page 70, line 8, by replacing "(e)" with "(f)"; and
- on page 72, line 16, by replacing "repeal and amendment" with "repeal, or amendment"; and

on page 73, line 3, immediately after "United States", by inserting "₂"; and  
 on page 73, immediately below line 22, by inserting the following:

"The Agency shall recommend a rate of return to the Commission utilizing the criteria in this subsection (f). The Commission shall further take into account the recommendation of the Agency, but shall not be bound by it."; and

on page 73, line 25, after "utilities", by inserting "in accordance with original cost rate base"; and

on page 74, line 11, by replacing "take account of" with "adjust for"; and

on page 74, by replacing lines 16 through 19 with "The Commission's"; and

on page 76, by replacing lines 9 and 10 with "assist with calculating the capital costs or sequestration costs shall be retained no later"; and

on page 79, line 20, by deleting "SNG"; and

on page 81, lines 8 through 9, by deleting "to ensure the safety and feasibility of those sequestration sites"; and

on page 82, by replacing lines 14 through 21 with the following:

"Environmental Protection Agency of such conditions. In circumstances in which the carbon dioxide pipeline creates a substantial danger to the environment or public health or to the welfare of persons when the danger is to the livelihood of those persons, the State's Attorney or Attorney General may, upon the request of the Commission or on his or her own motion, institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or require any other action as may be necessary. The Court may issue an ex parte order and shall schedule a hearing on the matter no later than 3 business days after the date of the injunction. The Commission shall provide notice of any such actions as soon as possible on its website."; and

on page 82, line 25, after "years", by inserting "beginning in 2012"; and

on page 84, by replacing line 1 with "feedstock over the term of the sourcing agreement"; and

on page 87, line 21, by replacing "as necessary" with "at least every 5 years"; and

on page 96, line 11, by replacing "utilizes" with "utilities"; and

on page 96, line 12, by replacing "(1)" with "(3)"; and

on page 100, lines 16 through 17, by deleting "the range of operating and maintenance costs"; and

on page 114, by replacing lines 15 and 16 with "that in lieu of the requirements in subparagraphs (B)(iii), (B)(iv), (C)(i), (D)(ii), (D)(vi), and (D)(vii) (A)(v), (B)(i), (C)(v), and (C)(vi) of"; and

on page 115, line 21, by replacing "or" with "and or"; and

on page 115, line 22, by replacing "provisions" with "contract for differences provisions"; and

on page 116, lines 14 and 20, by replacing "such prior" each time it appears with "the third month preceding the current such prior"; and

on page 116, line 19, after "utilities", by inserting "in the State"; and

on page 116, by replacing lines 22 and 23 with the following:

"(v) (blank)."; and

on page 128, line 9, after "Agency", by inserting "Costs for which a person is liable under this subsection (d) are in addition to any other fees, penalties, or other relief provided under this Act or any other law"; and

on page 129, by deleting all of Section 99.

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

### SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Mautino, SENATE BILL 2485 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Mautino, further consideration of SENATE BILL 2485 was postponed.

### RECALL

At the request of the principal sponsor, Representative Collins, HOUSE BILL 6881 was recalled from the order of Third Reading to the order of Second Reading.

### HOUSE BILL ON SECOND READING

HOUSE BILL 6881. Having been recalled on November 30, 2010, the same was again taken up. Representative Collins offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 6881 on page 1, line 5, by replacing "Sections 3-3-7 and 3-6-3" with "Section 3-3-7"; and by deleting lines 18 through 25 on page 14, all of pages 15 through 30, and lines 1 through 7 on page 31.

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the bill was ordered held on the order of Second Reading.

### SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Brauer moved to suspend the posting requirements of Rule 21 in relation to House Resolutions 1002 and 1188 to be heard in State Government Administration Committee.

The motion prevailed.

### SENATE BILLS ON SECOND READING

SENATE BILL 150. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 150 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Expanded Mental Health Services Act.

Section 5. Purpose. The purpose of an Expanded Mental Health Services Program and Governing Commission created under the provisions of this Act by the voters of a territory within a municipality with a population of more than 1,000,000 shall be to expand the availability of mental health services to an additional population of mentally ill residents, in keeping with the model of community-based mental health care instituted by the 1963 federal Community Mental Health Centers Act. The Program is intended to expand and extend mental health services to mentally ill residents who need the assistance of their communities in overcoming or coping with mental or emotional disorders, with a special focus on early intervention and prevention of such disorders. The Expanded Mental Health Services Program may also assist the severely mentally ill, but shall not replace existing services currently mandated by law for the severely mentally ill.

Section 10. Definitions. As used in this Act:

"Clinical psychologist" means a psychologist who is licensed by the Illinois Department of Financial and Professional Regulation and who: (i) has a doctoral degree from a regionally accredited university, college, or professional school, and has 2 years of supervised experience in health services of which at least one year is postdoctoral and one year is in an organized health service program; or (ii) has a graduate degree in psychology from a regionally accredited university or college, and has not less than 6 years of experience as a psychologist with at least 2 years of supervised experience in health services.

"Clinical social worker" means a person who is licensed as a clinical social worker by the Illinois

Department of Financial and Professional Regulation and who: (i) has a master's or doctoral degree in social work from an accredited graduate school of social work; and (ii) has at least 2 years of supervised post-master's clinical social work practice which shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders.

"Community organization" means a not for profit organization which has been registered with this State for at least 5 years as a not for profit organization, which qualifies for tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as now or hereafter amended, which continuously maintains an office or business location within the territory of an Expanded Mental Health Services Program together with a current listed telephone number, or a majority of whose members reside within the territory of an Expanded Mental Health Services Program.

"Eligible person" means any person living within a described territory who suffers from, or is at risk of suffering from, a mental illness and such a person's immediate family (including a spouse, child, and parent). Each eligible person may receive described services within a territory, and those services shall be free of charge after the person has exhausted all available payment subsidies, including but not limited to Medicare, Medicaid, and private insurance.

"Governing Commission" means the governing body of an Expanded Mental Health Services Program created under this Act.

"Mental illness" means a mental or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia, or Alzheimer's disease absent psychosis, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"Mental health professionals" include clinical social workers, clinical psychologists, and psychiatrists as defined by this Act.

"Program" means the Expanded Mental Health Services Program governed by a specific Governing Commission.

"Program guidelines" means those policies, rules, regulations, and bylaws established from time to time by the Governing Commission to explain, clarify, or modify the Program in order to fulfill its goals and objectives.

"Psychiatrist" means a physician who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

"Severe mental illness" means the manifestation of all of the following characteristics: (i) a primary diagnosis of one of the major mental disorders in the current edition of the Diagnostic and Statistical Manual of Mental Disorders listed as follows: schizophrenia disorder; delusional disorder; schizo-affective disorder; bipolar affective disorder; atypical psychosis; major depression, recurrent; (ii) substantial impairment of functioning in at least 2 of the following areas: self-maintenance, social functioning, activities of community living, and work skills; and (iii) presence or expected presence of the disability for at least one year.

A determination of severe mental illness shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or psychiatrist, and shall not be based solely on behaviors relating to environmental, cultural or economic differences.

"Territory" means a geographically contiguous area with a population of 75,000 to 250,000 based on the most recent decennial census.

"Treatment" means an effort to accomplish an improvement in the mental condition or related behavior of a recipient. "Treatment" includes, but is not limited to, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals, outpatient services, and other services provided for recipients by mental health facilities.

#### Section 15. Creation of Expanded Mental Health Services Program and Governing Commission.

(a) Whenever in a municipality with more than 1,000,000 inhabitants, the question of creating an Expanded Mental Health Services Program within a contiguous territory included entirely within the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality or by a petition signed by not less than 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by registered voters of the territory, the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over such municipality to submit the question of creating an Expanded Mental Health Services Program to the electors of the territory at the regular election specified in the resolution, ordinance, or petition initiating the question. A petition initiating a question described in this Section shall be filed with the election authority having jurisdiction

over the municipality. The petition shall be filed and objections thereto shall be made in the manner provided in the general election law. A resolution, ordinance, or petition initiating a question described in this Section shall specify the election at which the question is to be submitted. The referendum on such question shall be held in accordance with general election law. Such question, and the resolution, ordinance, or petition initiating the question, shall include a description of the territory, the name of the proposed Expanded Mental Health Services Program, and the maximum rate at which the Expanded Mental Health Services Program shall be able to levy a property tax. The question shall be in substantially the following form:

Shall there be established, to serve the territory commonly described on this ballot or notice of this question, a ..... (fill in community name) Expanded Mental Health Services Program, to provide direct free mental health services for any resident of the territory who needs assistance in overcoming or coping with mental or emotional disorders, where such program will be funded through an increase of not more than ..... (fill in tax rate from .004 to .007) of the real estate property tax bill of all parcels within the boundaries of the territory (for example, \$..... (fill in tax rate figure) for every \$1,000 of taxes you currently pay)?

All of that area within the geographic boundaries of the territory described in such question shall be included in the Program, and no area outside the geographic boundaries of the territory described in such question shall be included in the Program. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the question, which shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(b) To ensure this matter is presented to voters on the February 22, 2011 election ballot as a binding referendum in the North River area that previously voted on a comparable question in the form of an advisory referendum during the November 2008 election, the Chicago Board of Elections is directed to place the question of an Expanded Mental Health Services Program on the February 22, 2011 ballot (referenced to a North River Expanded Mental Health Services Program, a tax rate of .004, and \$4 for every \$1,000 of taxes) in all precincts contained, in whole or in part, within the geographical region with the following boundary lines: Addison Avenue (south), Chicago River and North Shore Channel (east), Devon Avenue (north), and Cicero Avenue (west), as well as those precincts contained, in whole or in part, within the geographical region with the following boundary lines: Belmont Avenue (south), Pulaski Avenue (east), Addison Avenue (north), and Kilbourn Avenue (west). Precise boundaries and precincts shall be taken from the November 2008 advisory referendum question.

(c) Whenever a majority of the voters on such public question approve the creation of an Expanded Mental Health Services Program as certified by the proper election authorities, within 90 days of the passage of the referendum the Governor shall appoint 5 members and the Mayor of the municipality shall appoint 4 members, to be known as commissioners, to serve as the governing body of the Expanded Mental Health Services Program.

(d) Of the 5 commissioners appointed by the Governor, the Governor shall choose 4 commissioners from a list of nominees supplied by a community organization or community organizations as defined in this Act; these 4 commissioners shall reside in the territory of the Program. Of the commissioners appointed by the Governor, one shall be a mental health professional and one shall be a mental health consumer residing in the territory of the Program.

(e) Of the 4 commissioners appointed by the Mayor of the municipality, the Mayor shall choose 3 commissioners from a list of nominees supplied by a community organization or community organizations as defined in this Act; these 3 commissioners shall reside in the territory of the Program. Of the commissioners appointed by the Mayor, one shall be a mental health professional and one shall be a mental health consumer residing in the territory of the Program.

(f) A community organization may recommend up to 10 individuals to the Governor and up to 10 individuals to the Mayor to serve on the Governing Commission.

(g) No fewer than 7 commissioners serving at one time shall reside within the territory of the Program.

(h) Upon creation of a Governing Commission, the terms of the initial commissioners shall be as follows: (i) of the Governor's initial appointments, 2 shall be for 3 years, one for 2 years, and 2 for one year; and (ii) of the Mayor's initial appointments, one shall be for 3 years, 2 for 2 years, and one for one year. All succeeding terms shall be for 3 years, or until a successor is appointed and qualified. Commissioners shall serve without compensation except for reimbursement for reasonable expenses incurred in the performance of duties as a commissioner. A vacancy in the office of a member of a Governing Commission shall be filled in like manner as an original appointment.

(i) Any member of the Governing Commission may be removed by a majority vote of all other commissioners for absenteeism, neglect of duty, misconduct or malfeasance in the office, after being given a written statement of the charges and an opportunity to be heard thereon.

(j) All proceedings and meetings of the Governing Commission shall be conducted in accordance with the provisions of the Open Meetings Act.

Section 20. Duties and functions of Governing Commission. The duties and functions of the Governing Commission of an Expanded Mental Health Services Program shall include the following:

(1) To, immediately after appointment, meet and organize, by the election of one of its number as president and one as secretary and such other officers as it may deem necessary. It shall establish policies, rules, regulations, bylaws, and procedures for both the Governing Commission and the Program concerning the rendition or operation of services and facilities which it directs, supervises, or funds, not inconsistent with the provisions of this Act. No policies, rules, regulations, or bylaws shall be adopted by the Governing Commission without prior notice to the residents of the territory of a Program and an opportunity for such residents to be heard.

(2) To hold meetings at least quarterly, and to hold special meetings upon a written request signed by at least 2 commissioners and filed with the secretary of the Governing Commission.

(3) To provide annual status reports on the Program to the Governor, the Mayor of the municipality, and the voters of the territory within 120 days after the end of the fiscal year, such report to show the condition of the expanded mental health services fund for that year, the sums of money received from all sources, how all monies have been expended and for what purposes, how the Program has conformed with the mental health needs assessment conducted in the territory, and such other statistics and Program information in regard to the work of the Governing Commission as it may deem of general interest.

(4) To manage, administer, and invest the financial resources contained in the expanded mental health services fund.

(5) To employ necessary personnel, acquire necessary office space, enter into contractual relationships, and disburse funds in accordance with the provisions of this Act. In this regard, to the extent the Governing Commission chooses to retain the services of another public or private agency with respect to the provision of expanded mental health services under this Act, such selection shall be based upon receipt of a comprehensive plan addressing the following factors: the conducting of a thorough mental health needs assessment for the territory; the development of specific mental health programs and services tailored to this assessment; and the percentage of the proposed budget devoted to responding to these demonstrated needs. Within 14 days of the selection of any individual or organization, the Governing Commission shall provide a written report of its decision, with specific reference to the factors used in reaching its decision, to the Mayor of the municipality, the Governor, and the voters of the territory. Subsequent decisions by the Governing Commission to retain or terminate the services of a provider shall be based upon the provider's success in achieving its stated goals, especially with regards to servicing the maximum number of residents of the territory identified as needing mental health services in the initial needs assessment and subsequent updates to it.

(6) To disburse the funds collected annually from tax revenue in such a way that no less than 85% of those funds are expended on direct mental and emotional health services provided by licensed mental health professionals or by mental health interns or persons with a bachelor's degree in social work supervised by those professionals.

(7) To establish criteria and standards necessary for hiring the licensed mental health professionals to be employed to provide the direct services of the Program.

(8) To identify the mental and emotional health needs within the Program territory and determine the programs for meeting those needs annually as well as the eligible persons whom the Program may serve.

(9) To obtain errors and omissions insurance for all commissioners in an amount of no less than \$1,000,000.

(10) To perform such other functions in connection with the Program and the expanded mental health services fund as required under this Act.

Section 25. Expanded mental health services fund.

(a) The Governing Commission shall maintain the expanded mental health services fund for the purposes of paying the costs of administering the Program and carrying out its duties under this Act, subject to the limitations and procedures set forth in this Act.

(b) The expanded mental health services fund shall be raised by means of an annual tax levied on each property within the territory of the Program. The rate of this tax may be changed from year to year by majority vote of the Governing Commission but in no case shall it exceed the ceiling rate established by the



voters in the territory of the Program in the binding referendum to approve the creation of the Expanded Mental Health Services Program. The ceiling rate must be set within the range of .004 to .007 on each property in the territory of the Program. A higher ceiling rate for a territory may be established within that range only by the voters in a binding referendum from time to time to be held in a manner as set forth in this legislation. The commissioners shall cause the amount to be raised by taxation in each year to be certified to the county clerk in the manner provided by law, and any tax so levied and certified shall be collected and enforced in the same manner and by the same officers as those taxes for the purposes of the county and city within which the territory of the Governing Commission is located. Any such tax, when collected, shall be paid over to the proper officer of the Governing Commission who is authorized to receive and receipt for such tax. The Governing Commission may issue tax anticipation warrants against the taxes to be assessed for a calendar year.

(c) The moneys deposited in the expanded mental health services fund shall, as nearly as practicable, be fully and continuously invested or reinvested by the Governing Commission in investment obligations which shall be in such amounts, and shall mature at such times, that the maturity or date of redemption at the option of the holder of such investment obligations shall coincide, as nearly as practicable, with the times at which monies will be required for the purposes of the Program. For the purposes of this Section, "investment obligation" means direct general municipal, state, or federal obligations which at the time are legal investments under the laws of this State and the payment of principal of and interest on which are unconditionally guaranteed by the governing body issuing them.

(d) The fund shall be used solely and exclusively for the purpose of providing expanded mental health services and no more than 15% of the annual levy may be used for reasonable salaries, expenses, bills, and fees incurred in administering the Program.

(e) The fund shall be maintained, invested, and expended exclusively by the Governing Commission of the Program for whose purposes it was created. Under no circumstances shall the fund be used by any person or persons, governmental body, or public or private agency or concern other than the Governing Commission of the Program for whose purposes it was created. Under no circumstances shall the fund be commingled with other funds or investments.

(f) No commissioner or family member of a commissioner, or employee or family member of an employee, may receive any financial benefit, either directly or indirectly, from the fund. Nothing in this subsection shall be construed to prohibit payment of expenses to a commissioner in accordance with subsection (h) of Section 15.

(g) Annually, the Governing Commission shall prepare for informational purposes in the appropriations process: (1) an annual budget showing the estimated receipts and intended disbursements pursuant to this Act for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the start of the fiscal year; and (2) an independent financial audit of the fund and the management of the Program detailing the income received and disbursements made pursuant to this Act during the fiscal year just preceding the date the annual report is submitted, which date must be within 90 days of the close of that fiscal year. These reports shall be made available to the public through any office of the Governing Commission or a public facility such as a local public library located within the territory of the Program. In addition, and in an effort to increase transparency of public programming, the Governing Commission shall effectively create and operate a publicly accessible website, which shall publish results of all audits for a period of no less than six months after the initial disclosure of the results and findings of each audit.

Section 30. Termination of a Program. An Expanded Mental Health Services Program may be terminated only by the submission of and approval of the issue in the form of a public question before the voters of the territory of the Program at a regularly scheduled election in the same manner as the question of the creation of the Program, as set forth in Section 15 of this Act. If a majority of the voters voting upon the question approve the termination of the Expanded Mental Health Services Program, as certified by the proper election authorities, the Program shall conclude its business and cease operations within one year of the date on which the election containing the public question was held.

Section 35. Immunity and indemnification. No commissioner, officer, or employee, whether on salary, wage, or voluntary basis, shall be personally liable and no cause of action may be brought for damages resulting from the exercise of judgment or discretion in connection with the performance of Program duties or responsibilities, unless the act or omission involved willful or wanton conduct.

A Program shall indemnify each commissioner, officer, and employee, except for the mental health professionals who will be expected to maintain malpractice insurance appropriate to their professional positions, whether on salary, wage, or voluntary basis against any and all losses, damages, judgments,

interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney fees, and any other liabilities incurred by, imposed upon, or suffered by such individual in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of Program duties. Any settlement of any claim must be made with prior approval of the Governing Commission in order for indemnification, as provided in this Section, to be available.

The immunity and indemnification provided by a Program under this Section shall not cover any acts or omissions which involve willful or wanton conduct, breach of good faith, intentional misconduct, knowing violation of the law, or for any transaction from which such individual derives an improper personal benefit.

Section 40. Legal actions. No lawsuit or any other type of legal action brought under the terms of this Act shall be sustainable in a court of law or equity unless all conditions, stipulations, and provisions of the Program have been complied with, and unless the suit is brought within 12 months after the event which is the subject of the legal action.

Section 45. Penalty. Any person violating the provisions of this Act or any procedure, regulation, or bylaw of a Governing Commission and Program created under the provisions of this Act shall, in addition to all other remedies provided by law, be guilty of a petty offense and shall be fined not more than \$1,000 for each offense.

Section 50. Home rule. The authority or duty to establish or prohibit the establishment of Expanded Mental Health Services Programs in any municipality with more than 1,000,000 inhabitants, including home rule units, and the determination of the terms of such Programs are declared to be exclusive powers and functions of the State which may not be exercised concurrently by any such municipality. No municipality with more than 1,000,000 inhabitants, including home rule units, shall establish or maintain an Expanded Mental Health Services Program other than as provided in this Act, and any such municipality shall affirmatively establish and maintain an Expanded Mental Health Services Program when required to do so pursuant to this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

AMENDMENT NO. 2. Amend Senate Bill 150, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Expanded Mental Health Services Act.

Section 5. Purpose. The purpose of an Expanded Mental Health Services Program and Governing Commission created under the provisions of this Act by the voters of a territory within a municipality with a population of more than 1,000,000 shall be to expand the availability of mental health services to an additional population of mentally ill residents, in keeping with the model of community-based mental health care instituted by the 1963 federal Community Mental Health Centers Act. The Program is intended to expand and extend mental health services to mentally ill residents who need the assistance of their communities in overcoming or coping with mental or emotional disorders, with a special focus on early intervention and prevention of such disorders. The Expanded Mental Health Services Program may also assist the severely mentally ill, but shall not replace existing services currently mandated by law for the severely mentally ill.

Section 10. Definitions. As used in this Act:

"Clinical psychologist" means a psychologist who is licensed by the Illinois Department of Financial and Professional Regulation and who: (i) has a doctoral degree from a regionally accredited university, college, or professional school, and has 2 years of supervised experience in health services of which at least one year is postdoctoral and one year is in an organized health service program; or (ii) has a graduate degree in psychology from a regionally accredited university or college, and has not less than 6 years of experience as a psychologist with at least 2 years of supervised experience in health services.

"Clinical social worker" means a person who is licensed as a clinical social worker by the Illinois Department of Financial and Professional Regulation and who: (i) has a master's or doctoral degree in social work from an accredited graduate school of social work; and (ii) has at least 2 years of supervised post-master's clinical social work practice which shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders.

"Community organization" means a not for profit organization which has been registered with this State for at least 5 years as a not for profit organization, which qualifies for tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as now or hereafter amended, which

continuously maintains an office or business location within the territory of an Expanded Mental Health Services Program together with a current listed telephone number, or a majority of whose members reside within the territory of an Expanded Mental Health Services Program.

"Eligible person" means any person living within a described territory who suffers from, or is at risk of suffering from, a mental illness and such a person's immediate family (including a spouse, child, and parent). Each eligible person may receive described services within a territory, and those services shall be free of charge after the person has exhausted all available payment subsidies, including but not limited to Medicare, Medicaid, and private insurance.

"Governing Commission" means the governing body of an Expanded Mental Health Services Program created under this Act.

"Mental illness" means a mental or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia, or Alzheimer's disease absent psychosis, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"Mental health professionals" include clinical social workers, clinical psychologists, and psychiatrists as defined by this Act.

"Program" means the Expanded Mental Health Services Program governed by a specific Governing Commission.

"Program guidelines" means those policies, rules, regulations, and bylaws established from time to time by the Governing Commission to explain, clarify, or modify the Program in order to fulfill its goals and objectives.

"Psychiatrist" means a physician who has successfully completed a residency program in psychiatry accredited by either the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

"Severe mental illness" means the manifestation of all of the following characteristics: (i) a primary diagnosis of one of the major mental disorders in the current edition of the Diagnostic and Statistical Manual of Mental Disorders listed as follows: schizophrenia disorder; delusional disorder; schizo-affective disorder; bipolar affective disorder; atypical psychosis; major depression, recurrent; (ii) substantial impairment of functioning in at least 2 of the following areas: self-maintenance, social functioning, activities of community living, and work skills; and (iii) presence or expected presence of the disability for at least one year.

A determination of severe mental illness shall be based upon a comprehensive, documented assessment with an evaluation by a licensed clinical psychologist or psychiatrist, and shall not be based solely on behaviors relating to environmental, cultural or economic differences.

"Territory" means a geographically contiguous area with a population of 75,000 to 250,000 based on the most recent decennial census.

"Treatment" means an effort to accomplish an improvement in the mental condition or related behavior of a recipient. "Treatment" includes, but is not limited to, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals, outpatient services, and other services provided for recipients by mental health facilities.

#### Section 15. Creation of Expanded Mental Health Services Program and Governing Commission.

(a) Whenever in a municipality with more than 1,000,000 inhabitants, the question of creating an Expanded Mental Health Services Program within a contiguous territory included entirely within the municipality is initiated by resolution or ordinance of the corporate authorities of the municipality or by a petition signed by not less than 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election by registered voters of the territory, the registered voters of which are eligible to sign the petition, it shall be the duty of the election authority having jurisdiction over such municipality to submit the question of creating an Expanded Mental Health Services Program to the electors of the territory at the regular election specified in the resolution, ordinance, or petition initiating the question. A petition initiating a question described in this Section shall be filed with the election authority having jurisdiction over the municipality. The petition shall be filed and objections thereto shall be made in the manner provided in the general election law. A resolution, ordinance, or petition initiating a question described in this Section shall specify the election at which the question is to be submitted. The referendum on such question shall be held in accordance with general election law. Such question, and the resolution, ordinance, or petition initiating the question, shall include a description of the territory, the name of the proposed Expanded Mental Health Services Program, and the maximum rate at which the Expanded Mental Health Services Program shall be able to levy a property tax. The question shall be in substantially the

following form:

Shall there be established, to serve the territory commonly described on this ballot or notice of this question, a ..... (fill in community name) Expanded Mental Health Services Program, to provide direct free mental health services for any resident of the territory who needs assistance in overcoming or coping with mental or emotional disorders, where such program will be funded through an increase of not more than .... (fill in tax rate from .004 to .007) of the real estate property tax bill of all parcels within the boundaries of the territory (for example, \$..... (fill in tax rate figure) for every \$1,000 of taxes you currently pay)?

All of that area within the geographic boundaries of the territory described in such question shall be included in the Program, and no area outside the geographic boundaries of the territory described in such question shall be included in the Program. If the election authority determines that the description cannot be included within the space limitations of the ballot, the election authority shall prepare large printed copies of a notice of the question, which shall be prominently displayed in the polling place of each precinct in which the question is to be submitted.

(b) Whenever a majority of the voters on such public question approve the creation of an Expanded Mental Health Services Program as certified by the proper election authorities, within 90 days of the passage of the referendum the Governor shall appoint 5 members and the Mayor of the municipality shall appoint 4 members, to be known as commissioners, to serve as the governing body of the Expanded Mental Health Services Program.

(c) Of the 5 commissioners appointed by the Governor, the Governor shall choose 4 commissioners from a list of nominees supplied by a community organization or community organizations as defined in this Act; these 4 commissioners shall reside in the territory of the Program. Of the commissioners appointed by the Governor, one shall be a mental health professional and one shall be a mental health consumer residing in the territory of the Program.

(d) Of the 4 commissioners appointed by the Mayor of the municipality, the Mayor shall choose 3 commissioners from a list of nominees supplied by a community organization or community organizations as defined in this Act; these 3 commissioners shall reside in the territory of the Program. Of the commissioners appointed by the Mayor, one shall be a mental health professional and one shall be a mental health consumer residing in the territory of the Program.

(e) A community organization may recommend up to 10 individuals to the Governor and up to 10 individuals to the Mayor to serve on the Governing Commission.

(f) No fewer than 7 commissioners serving at one time shall reside within the territory of the Program.

(g) Upon creation of a Governing Commission, the terms of the initial commissioners shall be as follows: (i) of the Governor's initial appointments, 2 shall be for 3 years, one for 2 years, and 2 for one year; and (ii) of the Mayor's initial appointments, one shall be for 3 years, 2 for 2 years, and one for one year. All succeeding terms shall be for 3 years, or until a successor is appointed and qualified. Commissioners shall serve without compensation except for reimbursement for reasonable expenses incurred in the performance of duties as a commissioner. A vacancy in the office of a member of a Governing Commission shall be filled in like manner as an original appointment.

(h) Any member of the Governing Commission may be removed by a majority vote of all other commissioners for absenteeism, neglect of duty, misconduct or malfeasance in the office, after being given a written statement of the charges and an opportunity to be heard thereon.

(i) All proceedings and meetings of the Governing Commission shall be conducted in accordance with the provisions of the Open Meetings Act.

Section 20. Duties and functions of Governing Commission. The duties and functions of the Governing Commission of an Expanded Mental Health Services Program shall include the following:

(1) To, immediately after appointment, meet and organize, by the election of one of its number as president and one as secretary and such other officers as it may deem necessary. It shall establish policies, rules, regulations, bylaws, and procedures for both the Governing Commission and the Program concerning the rendition or operation of services and facilities which it directs, supervises, or funds, not inconsistent with the provisions of this Act. No policies, rules, regulations, or bylaws shall be adopted by the Governing Commission without prior notice to the residents of the territory of a Program and an opportunity for such residents to be heard.

(2) To hold meetings at least quarterly, and to hold special meetings upon a written request signed by at least 2 commissioners and filed with the secretary of the Governing Commission.

(3) To provide annual status reports on the Program to the Governor, the Mayor of the municipality, and the voters of the territory within 120 days after the end of the fiscal year, such report to show the condition

of the expanded mental health services fund for that year, the sums of money received from all sources, how all monies have been expended and for what purposes, how the Program has conformed with the mental health needs assessment conducted in the territory, and such other statistics and Program information in regard to the work of the Governing Commission as it may deem of general interest.

(4) To manage, administer, and invest the financial resources contained in the expanded mental health services fund.

(5) To employ necessary personnel, acquire necessary office space, enter into contractual relationships, and disburse funds in accordance with the provisions of this Act. In this regard, to the extent the Governing Commission chooses to retain the services of another public or private agency with respect to the provision of expanded mental health services under this Act, such selection shall be based upon receipt of a comprehensive plan addressing the following factors: the conducting of a thorough mental health needs assessment for the territory; the development of specific mental health programs and services tailored to this assessment; and the percentage of the proposed budget devoted to responding to these demonstrated needs. Within 14 days of the selection of any individual or organization, the Governing Commission shall provide a written report of its decision, with specific reference to the factors used in reaching its decision, to the Mayor of the municipality, the Governor, and the voters of the territory. Subsequent decisions by the Governing Commission to retain or terminate the services of a provider shall be based upon the provider's success in achieving its stated goals, especially with regards to servicing the maximum number of residents of the territory identified as needing mental health services in the initial needs assessment and subsequent updates to it.

(6) To disburse the funds collected annually from tax revenue in such a way that no less than 85% of those funds are expended on direct mental and emotional health services provided by licensed mental health professionals or by mental health interns or persons with a bachelor's degree in social work supervised by those professionals.

(7) To establish criteria and standards necessary for hiring the licensed mental health professionals to be employed to provide the direct services of the Program.

(8) To identify the mental and emotional health needs within the Program territory and determine the programs for meeting those needs annually as well as the eligible persons whom the Program may serve.

(9) To obtain errors and omissions insurance for all commissioners in an amount of no less than \$1,000,000.

(10) To perform such other functions in connection with the Program and the expanded mental health services fund as required under this Act.

#### Section 25. Expanded mental health services fund.

(a) The Governing Commission shall maintain the expanded mental health services fund for the purposes of paying the costs of administering the Program and carrying out its duties under this Act, subject to the limitations and procedures set forth in this Act.

(b) The expanded mental health services fund shall be raised by means of an annual tax levied on each property within the territory of the Program. The rate of this tax may be changed from year to year by majority vote of the Governing Commission but in no case shall it exceed the ceiling rate established by the voters in the territory of the Program in the binding referendum to approve the creation of the Expanded Mental Health Services Program. The ceiling rate must be set within the range of .004 to .007 on each property in the territory of the Program. A higher ceiling rate for a territory may be established within that range only by the voters in a binding referendum from time to time to be held in a manner as set forth in this legislation. The commissioners shall cause the amount to be raised by taxation in each year to be certified to the county clerk in the manner provided by law, and any tax so levied and certified shall be collected and enforced in the same manner and by the same officers as those taxes for the purposes of the county and city within which the territory of the Governing Commission is located. Any such tax, when collected, shall be paid over to the proper officer of the Governing Commission who is authorized to receive and receipt for such tax. The Governing Commission may issue tax anticipation warrants against the taxes to be assessed for a calendar year.

(c) The moneys deposited in the expanded mental health services fund shall, as nearly as practicable, be fully and continuously invested or reinvested by the Governing Commission in investment obligations which shall be in such amounts, and shall mature at such times, that the maturity or date of redemption at the option of the holder of such investment obligations shall coincide, as nearly as practicable, with the times at which monies will be required for the purposes of the Program. For the purposes of this Section, "investment obligation" means direct general municipal, state, or federal obligations which at the time are legal investments under the laws of this State and the payment of principal of and interest on which are

unconditionally guaranteed by the governing body issuing them.

(d) The fund shall be used solely and exclusively for the purpose of providing expanded mental health services and no more than 15% of the annual levy may be used for reasonable salaries, expenses, bills, and fees incurred in administering the Program.

(e) The fund shall be maintained, invested, and expended exclusively by the Governing Commission of the Program for whose purposes it was created. Under no circumstances shall the fund be used by any person or persons, governmental body, or public or private agency or concern other than the Governing Commission of the Program for whose purposes it was created. Under no circumstances shall the fund be commingled with other funds or investments.

(f) No commissioner or family member of a commissioner, or employee or family member of an employee, may receive any financial benefit, either directly or indirectly, from the fund. Nothing in this subsection shall be construed to prohibit payment of expenses to a commissioner in accordance with subsection (g) of Section 15.

(g) Annually, the Governing Commission shall prepare for informational purposes in the appropriations process: (1) an annual budget showing the estimated receipts and intended disbursements pursuant to this Act for the fiscal year immediately following the date the budget is submitted, which date must be at least 30 days prior to the start of the fiscal year; and (2) an independent financial audit of the fund and the management of the Program detailing the income received and disbursements made pursuant to this Act during the fiscal year just preceding the date the annual report is submitted, which date must be within 90 days of the close of that fiscal year. These reports shall be made available to the public through any office of the Governing Commission or a public facility such as a local public library located within the territory of the Program. In addition, and in an effort to increase transparency of public programming, the Governing Commission shall effectively create and operate a publicly accessible website, which shall publish results of all audits for a period of no less than six months after the initial disclosure of the results and findings of each audit.

Section 30. Termination of a Program. An Expanded Mental Health Services Program may be terminated only by the submission of and approval of the issue in the form of a public question before the voters of the territory of the Program at a regularly scheduled election in the same manner as the question of the creation of the Program, as set forth in Section 15 of this Act. If a majority of the voters voting upon the question approve the termination of the Expanded Mental Health Services Program, as certified by the proper election authorities, the Program shall conclude its business and cease operations within one year of the date on which the election containing the public question was held.

Section 35. Immunity and indemnification. No commissioner, officer, or employee, whether on salary, wage, or voluntary basis, shall be personally liable and no cause of action may be brought for damages resulting from the exercise of judgment or discretion in connection with the performance of Program duties or responsibilities, unless the act or omission involved willful or wanton conduct.

A Program shall indemnify each commissioner, officer, and employee, except for the mental health professionals who will be expected to maintain malpractice insurance appropriate to their professional positions, whether on salary, wage, or voluntary basis against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorney fees, and any other liabilities incurred by, imposed upon, or suffered by such individual in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of Program duties. Any settlement of any claim must be made with prior approval of the Governing Commission in order for indemnification, as provided in this Section, to be available.

The immunity and indemnification provided by a Program under this Section shall not cover any acts or omissions which involve willful or wanton conduct, breach of good faith, intentional misconduct, knowing violation of the law, or for any transaction from which such individual derives an improper personal benefit.

Section 40. Legal actions. No lawsuit or any other type of legal action brought under the terms of this Act shall be sustainable in a court of law or equity unless all conditions, stipulations, and provisions of the Program have been complied with, and unless the suit is brought within 12 months after the event which is the subject of the legal action.

Section 45. Penalty. Any person violating the provisions of this Act or any procedure, regulation, or bylaw of a Governing Commission and Program created under the provisions of this Act shall, in addition to all other remedies provided by law, be guilty of a petty offense and shall be fined not more than \$1,000 for each offense.

Section 50. Home rule. The authority or duty to establish or prohibit the establishment of Expanded Mental Health Services Programs in any municipality with more than 1,000,000 inhabitants, including home rule units, and the determination of the terms of such Programs are declared to be exclusive powers and functions of the State which may not be exercised concurrently by any such municipality. No municipality with more than 1,000,000 inhabitants, including home rule units, shall establish or maintain an Expanded Mental Health Services Program other than as provided in this Act, and any such municipality shall affirmatively establish and maintain an Expanded Mental Health Services Program when required to do so pursuant to this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3383. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 3383 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 1.1 as follows:  
(30 ILCS 105/1.1) (from Ch. 127, par. 137.1)

Sec. 1.1. This Act shall be known ~~and~~ ~~and~~ may be cited as the "State Finance Act".  
(Source: P.A. 86-109.)"

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 3708. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 3708 by replacing everything after the enacting clause with the following:

"Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-5 as follows:  
(15 ILCS 20/50-5)

Sec. 50-5. Governor to submit State budget.

(a) The Governor shall, as soon as possible and not later than the second Wednesday in March in 2010 (March 10, 2010) and the third Wednesday in February of each year beginning in 2011, except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. The amounts relating to particular functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act. In addition, the amounts recommended by the Governor for appropriation shall take into account each State agency's effectiveness in achieving its prioritized goals for the previous fiscal year, as set forth in Section 50-25 of this Law, giving priority to agencies and programs that have demonstrated a focus on the prevention of waste and the maximum yield from resources.

Beginning in fiscal year 2011, the Governor shall distribute written quarterly budget statements on all appropriated funds to the General Assembly and the State Comptroller. The statements shall be submitted no later than 45 days after the last day on Wednesday of the last week of the last month of each quarter of

the fiscal year and, ~~as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly,~~ shall be posted on the Governor's Office of Management and Budget's Comptroller's website on the same day. The statements shall be prepared and presented for each State agency and on a statewide level in an executive summary format that includes, for the fiscal year to date, individual itemizations for each revenue type source as well as individual itemizations of expenditures and obligations, by the classified line items set forth in Section 13 of the State Finance Act and for other purposes, with an appropriate level of detail. The statement shall include a calculation of the actual total budget surplus or deficit. The Governor shall also present periodic budget addresses throughout the fiscal year at the invitation of the General Assembly.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section. Appropriations may be adjusted during the fiscal year by means of one or more supplemental appropriation bills if any State agency either fails to meet or exceeds the goals set forth in Section 50-25 of this Law.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

- (1) General Revenue Fund.
- (2) Common School Fund.
- (3) Educational Assistance Fund.
- (4) Road Fund.
- (5) Motor Fuel Tax Fund.
- (6) Agricultural Premium Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

Appropriations for expenditures shall also include all anticipated statutory continuing appropriation obligations that are expected to be incurred during the budgeted fiscal year.

By March 15 of each year, the Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(b) This subsection applies only to the process for the proposed fiscal year 2011 budget.

By February 24, 2010, the Governor must file a written report with the Secretary of the Senate and the Clerk of the House of Representatives containing the following:

- (1) for fiscal year 2010, the revenues for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (2) for fiscal year 2010, the expenditures for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (3) for fiscal year 2011, the estimated revenues for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, for the full fiscal year; and
- (4) for fiscal year 2011, an estimate of the anticipated liabilities for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, debt service on



bonds issued, and the State's contributions to the pension systems, for the full fiscal year.

Between February 24, 2010 and March 10, 2010, the members of the General Assembly and members of the public may make written budget recommendations to the Governor, and the Governor shall promptly make those recommendations available to the public through the Governor's Internet website.

(Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881, eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10.)

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

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

### HOUSE BILL ON SECOND READING

HOUSE BILL 6862. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 6862 on page 4, line 26, after "school", by inserting "operated by Aurora University".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### RECALL

At the request of the principal sponsor, Representative Colvin, SENATE BILL 3388 was recalled from the order of Third Reading to the order of Second Reading.

### SENATE BILL ON SECOND READING

SENATE BILL 3388. Having been recalled on November 30, 2010, the same was again taken up. Representative Colvin offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 3388, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

on page 7, by replacing lines 6 through 8 with the following:

""Sequester" means permanent storage of carbon dioxide by injecting it into"; and

on page 58, by replacing lines 25 and 26 with the following:

"Any mediator retained to assist with mediating disputes between the parties regarding the sourcing agreement shall be"; and

on page 59, line 1, by replacing "90" with "60"; and

on page 93, by replacing lines 14 through 24 with the following:

"In circumstances whereby a carbon dioxide pipeline creates a substantial danger to the environment or to the public health of persons or to the welfare of persons where such danger is to the livelihood of such persons, the State's Attorney or Attorney General, upon the request of the Commission or on his or her own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other action as may be necessary. The court may issue an ex parte order and shall schedule a hearing on the matter not later than 3 working days after the date of injunction. The Commission"; and

on page 105, line 12, after the period, by inserting "Costs for which a person is liable under this subsection (d) are in addition to any other fees, penalties, or other relief provided under this Act or any other law.".

The foregoing motion prevailed and the amendment was adopted.

Representative Colvin moved that the notes be declared inapplicable.  
Representative Poe withdrew the requested notes.

There being no further amendment(s), the bill, as amended, was again advanced to the order of Third Reading.

### RECESS

At the hour of 3:22 o'clock p.m., Representative Lyons moved that the House do now take a recess until the hour of 4:00 o'clock p.m.

The motion prevailed.

At the hour of 4:23 o'clock p.m., the House resumed its session.

Representative Lyons in the Chair.

### SENATE BILL ON SECOND READING

SENATE BILL 3538. Having been read by title a second time on November 29, 2010, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 2 remained in the Committee on Rules.

Representative McCarthy offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 3538, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 1-113.2, 3-111, 3-111.1, 3-112, 3-125, 4-109, 4-109.1, 4-114, 4-118, 5-167.1, 5-168, 6-164, 6-165, and 7-142.1 and by adding Sections 1-113.4a, 1-165, 5-238, and 6-229 as follows:

(40 ILCS 5/1-113.2)

Sec. 1-113.2. List of permitted investments for all Article 3 or 4 pension funds. Any pension fund established under Article 3 or 4 may invest in the following items:

- (1) Interest bearing direct obligations of the United States of America.
- (2) Interest bearing obligations to the extent that they are fully guaranteed or insured as to payment of principal and interest by the United States of America.
- (3) Interest bearing bonds, notes, debentures, or other similar obligations of agencies of the United States of America. For the purposes of this Section, "agencies of the United States of America" includes: (i) the Federal National Mortgage Association and the Student Loan Marketing Association; (ii) federal land banks, federal intermediate credit banks, federal farm credit banks, and any other entity authorized to issue direct debt obligations of the United States of America under the Farm Credit Act of 1971 or amendments to that Act; (iii) federal home loan banks and the Federal Home Loan Mortgage Corporation; and (iv) any agency created by Act of Congress that is authorized to issue direct debt obligations of the United States of America.
- (4) Interest bearing savings accounts or certificates of deposit, issued by federally chartered banks or savings and loan associations, to the extent that the deposits are insured by agencies or instrumentalities of the federal government.
- (5) Interest bearing savings accounts or certificates of deposit, issued by State of Illinois chartered banks or savings and loan associations, to the extent that the deposits are insured by agencies or instrumentalities of the federal government.
- (6) Investments in credit unions, to the extent that the investments are insured by agencies or instrumentalities of the federal government.
- (7) Interest bearing bonds of the State of Illinois.
- (8) Pooled interest bearing accounts managed by the Illinois Public Treasurer's Investment Pool in accordance with the Deposit of State Moneys Act, ~~and~~ interest bearing funds or pooled accounts of the Illinois Metropolitan Investment Funds, and interest bearing funds or pooled accounts managed, operated, and administered by banks, subsidiaries of banks, or subsidiaries of bank holding companies in accordance

with the laws of the State of Illinois.

(9) Interest bearing bonds or tax anticipation warrants of any county, township, or municipal corporation of the State of Illinois.

(10) Direct obligations of the State of Israel, subject to the conditions and limitations of item (5.1) of Section 1-113.

(11) Money market mutual funds managed by investment companies that are registered under the federal Investment Company Act of 1940 and the Illinois Securities Law of 1953 and are diversified, open-ended management investment companies; provided that the portfolio of the money market mutual fund is limited to the following:

(i) bonds, notes, certificates of indebtedness, treasury bills, or other securities that are guaranteed by the full faith and credit of the United States of America as to principal and interest;

(ii) bonds, notes, debentures, or other similar obligations of the United States of America or its agencies; and

(iii) short term obligations of corporations organized in the United States with assets exceeding \$400,000,000, provided that (A) the obligations mature no later than 180 days from the date of purchase, (B) at the time of purchase, the obligations are rated by at least 2 standard national rating services at one of their 3 highest classifications, and (C) the obligations held by the mutual fund do not exceed 10% of the corporation's outstanding obligations.

(12) General accounts of life insurance companies authorized to transact business in Illinois.

(13) Any combination of the following, not to exceed 10% of the pension fund's net assets:

(i) separate accounts that are managed by life insurance companies authorized to transact business in Illinois and are comprised of diversified portfolios consisting of common or preferred stocks, bonds, or money market instruments;

(ii) separate accounts that are managed by insurance companies authorized to transact business in Illinois, and are comprised of real estate or loans upon real estate secured by first or second mortgages; and

(iii) mutual funds that meet the following requirements:

(A) the mutual fund is managed by an investment company as defined and registered under the federal Investment Company Act of 1940 and registered under the Illinois Securities Law of 1953;

(B) the mutual fund has been in operation for at least 5 years;

(C) the mutual fund has total net assets of \$250 million or more; and

(D) the mutual fund is comprised of diversified portfolios of common or preferred stocks, bonds, or money market instruments.

(14) Corporate bonds managed through an investment advisor must meet all of the following requirements:

(1) The bonds must be rated as investment grade by one of the 2 largest rating services at the time of purchase.

(2) If subsequently downgraded below investment grade, the bonds must be liquidated from the portfolio within 90 days after being downgraded by the manager.

(Source: P.A. 90-507, eff. 8-22-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/1-113.4a new)

Sec. 1-113.4a. List of additional permitted investments for Article 3 and 4 pension funds with net assets of \$10,000,000 or more.

(a) In addition to the items in Sections 1-113.2 and 1-113.3, a pension fund established under Article 3 or 4 that has net assets of at least \$10,000,000 and has appointed an investment adviser, as defined under Sections 1-101.4 and 1-113.5, may, through that investment adviser, invest an additional portion of its assets in common and preferred stocks and mutual funds.

(b) The stocks must meet all of the following requirements:

(1) The common stocks must be listed on a national securities exchange or board of trade (as defined in the Federal Securities Exchange Act of 1934 and set forth in paragraph G of Section 3 of the Illinois Securities Law of 1953) or quoted in the National Association of Securities Dealers Automated Quotation System National Market System.

(2) The securities must be of a corporation in existence for at least 5 years.

(3) The market value of stock in any one corporation may not exceed 5% of the cash and invested assets of the pension fund, and the investments in the stock of any one corporation may not exceed 5% of the total outstanding stock of that corporation.

(4) The straight preferred stocks or convertible preferred stocks must be issued or guaranteed by a corporation whose common stock qualifies for investment by the board.

(c) The mutual funds must meet the following requirements:

(1) The mutual fund must be managed by an investment company registered under the Federal Investment Company Act of 1940 and registered under the Illinois Securities Law of 1953.

(2) The mutual fund must have been in operation for at least 5 years.

(3) The mutual fund must have total net assets of \$250,000,000 or more.

(4) The mutual fund must be comprised of a diversified portfolio of common or preferred stocks, bonds, or money market instruments.

(d) A pension fund's total investment in the items authorized under this Section and Section 1-113.3 shall not exceed 50% effective July 1, 2011 and 55% effective July 1, 2012 of the market value of the pension fund's net present assets stated in its most recent annual report on file with the Department of Insurance.

(e) A pension fund that invests funds under this Section shall electronically file with the Division any reports of its investment activities that the Division may require, at the time and in the format required by the Division.

(40 ILCS 5/1-165 new)

Sec. 1-165. Commission on Government Forecasting and Accountability study. The Commission on Government Forecasting and Accountability shall conduct a study on the feasibility of:

(1) the creation of an investment pool to supplement and enhance the investment opportunities available to boards of trustees of the pension funds organized under Articles 3 and 4 of this Code; the study shall include an analysis on any cost or cost savings associated with establishing the system and transferring assets for management under the investment pool; and

(2) enacting a contribution cost-share component wherein employing municipalities and members of funds established under Articles 3 and 4 of this Code each contribute 50% of the normal cost of the defined-benefit plan.

The Commission shall issue a report on its findings on or before December 31, 2011.

(40 ILCS 5/3-111) (from Ch. 108 1/2, par. 3-111)

Sec. 3-111. Pension.

(a) A police officer age 50 or more with 20 or more years of creditable service, who is not a participant in the self-managed plan under Section 3-109.3 and who is no longer in service as a police officer, shall receive a pension of 1/2 of the salary attached to the rank held by the officer on the police force for one year immediately prior to retirement or, beginning July 1, 1987 for persons terminating service on or after that date, the salary attached to the rank held on the last day of service or for one year prior to the last day, whichever is greater. The pension shall be increased by 2.5% of such salary for each additional year of service over 20 years of service through 30 years of service, to a maximum of 75% of such salary.

The changes made to this subsection (a) by this amendatory Act of the 91st General Assembly apply to all pensions that become payable under this subsection on or after January 1, 1999. All pensions payable under this subsection that began on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated, and the amount of the increase accruing for that period shall be payable to the pensioner in a lump sum.

(a-5) No pension in effect on or granted after June 30, 1973 shall be less than \$200 per month. Beginning July 1, 1987, the minimum retirement pension for a police officer having at least 20 years of creditable service shall be \$400 per month, without regard to whether or not retirement occurred prior to that date. If the minimum pension established in Section 3-113.1 is greater than the minimum provided in this subsection, the Section 3-113.1 minimum controls.

(b) A police officer mandatorily retired from service due to age by operation of law, having at least 8 but less than 20 years of creditable service, shall receive a pension equal to 2 1/2% of the salary attached to the rank he or she held on the police force for one year immediately prior to retirement or, beginning July 1, 1987 for persons terminating service on or after that date, the salary attached to the rank held on the last day of service or for one year prior to the last day, whichever is greater, for each year of creditable service.

A police officer who retires or is separated from service having at least 8 years but less than 20 years of creditable service, who is not mandatorily retired due to age by operation of law, and who does not apply for a refund of contributions at his or her last separation from police service, shall receive a pension upon attaining age 60 equal to 2.5% of the salary attached to the rank held by the police officer on the police force for one year immediately prior to retirement or, beginning July 1, 1987 for persons terminating service on or after that date, the salary attached to the rank held on the last day of service or for one year prior to the last day, whichever is greater, for each year of creditable service.

(c) A police officer no longer in service who has at least one but less than 8 years of creditable service in a police pension fund but meets the requirements of this subsection (c) shall be eligible to receive a pension from that fund equal to 2.5% of the salary attached to the rank held on the last day of service under that fund or for one year prior to that last day, whichever is greater, for each year of creditable service in that fund. The pension shall begin no earlier than upon attainment of age 60 (or upon mandatory retirement from the fund by operation of law due to age, if that occurs before age 60) and in no event before the effective date of this amendatory Act of 1997.

In order to be eligible for a pension under this subsection (c), the police officer must have at least 8 years of creditable service in a second police pension fund under this Article and be receiving a pension under subsection (a) or (b) of this Section from that second fund. The police officer need not be in service on or after the effective date of this amendatory Act of 1997.

(d) Notwithstanding any other provision of this Article, the provisions of this subsection (d) apply to a person who is not a participant in the self-managed plan under Section 3-109.3 and who first becomes a police officer under this Article on or after January 1, 2011.

A police officer age 55 or more who has 10 or more years of service in that capacity shall be entitled at his option to receive a monthly pension for his service as a police officer computed by multiplying 2.5% for each year of such service by his or her final average salary.

The pension of a police officer who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the police officer's age is under age 55.

The maximum pension under this subsection (d) shall be 75% of final average salary.

For the purposes of this subsection (d), "final average salary" means the average monthly salary obtained by dividing the total salary of the police officer during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(Source: P.A. 90-460, eff. 8-17-97; 91-939, eff. 2-1-01.)

(40 ILCS 5/3-111.1) (from Ch. 108 1/2, par. 3-111.1)

Sec. 3-111.1. Increase in pension.

(a) Except as provided in subsection (e), the monthly pension of a police officer who retires after July 1, 1971, and prior to January 1, 1986, shall be increased, upon either the first of the month following the first anniversary of the date of retirement if the officer is 60 years of age or over at retirement date, or upon the first day of the month following attainment of age 60 if it occurs after the first anniversary of retirement, by 3% of the originally granted pension and by an additional 3% of the originally granted pension in January of each year thereafter.

(b) The monthly pension of a police officer who retired from service with 20 or more years of service, on or before July 1, 1971, shall be increased in January of the year following the year of attaining age 65 or in January of 1972, if then over age 65, by 3% of the originally granted pension for each year the police officer received pension payments. In each January thereafter, he or she shall receive an additional increase of 3% of the original pension.

(c) The monthly pension of a police officer who retires on disability or is retired for disability shall be increased in January of the year following the year of attaining age 60, by 3% of the original grant of pension for each year he or she received pension payments. In each January thereafter, the police officer shall receive an additional increase of 3% of the original pension.

(d) The monthly pension of a police officer who retires after January 1, 1986, shall be increased, upon either the first of the month following the first anniversary of the date of retirement if the officer is 55 years of age or over, or upon the first day of the month following attainment of age 55 if it occurs after the first anniversary of retirement, by 1/12 of 3% of the originally granted pension for each full month that has elapsed since the pension began, and by an additional 3% of the originally granted pension in January of each year thereafter.

The changes made to this subsection (d) by this amendatory Act of the 91st General Assembly apply to all initial increases that become payable under this subsection on or after January 1, 1999. All initial

increases that became payable under this subsection on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated and the additional amount accruing for that period, if any, shall be payable to the pensioner in a lump sum.

(e) Notwithstanding the provisions of subsection (a), upon the first day of the month following (1) the first anniversary of the date of retirement, or (2) the attainment of age 55, or (3) July 1, 1987, whichever occurs latest, the monthly pension of a police officer who retired on or after January 1, 1977 and on or before January 1, 1986, and did not receive an increase under subsection (a) before July 1, 1987, shall be increased by 3% of the originally granted monthly pension for each full year that has elapsed since the pension began, and by an additional 3% of the originally granted pension in each January thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(f) Notwithstanding the other provisions of this Section, beginning with increases granted on or after July 1, 1993, the second and all subsequent automatic annual increases granted under subsection (a), (b), (d), or (e) of this Section shall be calculated as 3% of the amount of pension payable at the time of the increase, including any increases previously granted under this Section, rather than 3% of the originally granted pension amount. Section 1-103.1 does not apply to this subsection (f).

(g) Notwithstanding any other provision of this Article, the monthly pension of a person who first becomes a police officer under this Article on or after January 1, 2011 shall be increased on the January 1 occurring either on or after the attainment of age 60 or the first anniversary of the pension start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted pension. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the pension shall not be increased.

For the purposes of this subsection (g), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 91-939, eff. 2-1-01.)

(40 ILCS 5/3-112) (from Ch. 108 1/2, par. 3-112)

Sec. 3-112. Pension to survivors.

(a) Upon the death of a police officer entitled to a pension under Section 3-111, the surviving spouse shall be entitled to the pension to which the police officer was then entitled. Upon the death of the surviving spouse, or upon the remarriage of the surviving spouse if that remarriage terminates the surviving spouse's eligibility under Section 3-121, the police officer's unmarried children who are under age 18 or who are dependent because of physical or mental disability shall be entitled to equal shares of such pension. If there is no eligible surviving spouse and no eligible child, the dependent parent or parents of the officer shall be entitled to receive or share such pension until their death or marriage or remarriage after the death of the police officer.

Notwithstanding any other provision of this Article, for a person who first becomes a police officer under this Article on or after January 1, 2011, the pension to which the surviving spouse, children, or parents are entitled under this subsection (a) shall be in the amount of 66 2/3% of the police officer's earned pension at the date of death. Nothing in this subsection (a) shall act to diminish the survivor's benefits described in subsection (e) of this Section.

Notwithstanding any other provision of this Article, the monthly pension of a survivor of a person who first becomes a police officer under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's pension and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted survivor's pension. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the survivor's pension shall not be increased.

For the purposes of this subsection (a), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public

Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(b) Upon the death of a police officer while in service, having at least 20 years of creditable service, or upon the death of a police officer who retired from service with at least 20 years of creditable service, whether death occurs before or after attainment of age 50, the pension earned by the police officer as of the date of death as provided in Section 3-111 shall be paid to the survivors in the sequence provided in subsection (a) of this Section.

(c) Upon the death of a police officer while in service, having at least 10 but less than 20 years of service, a pension of 1/2 of the salary attached to the rank or ranks held by the officer for one year immediately prior to death shall be payable to the survivors in the sequence provided in subsection (a) of this Section. If death occurs as a result of the performance of duty, the 10 year requirement shall not apply and the pension to survivors shall be payable after any period of service.

(d) Beginning July 1, 1987, a minimum pension of \$400 per month shall be paid to all surviving spouses, without regard to the fact that the death of the police officer occurred prior to that date. If the minimum pension established in Section 3-113.1 is greater than the minimum provided in this subsection, the Section 3-113.1 minimum controls.

(e) The pension of the surviving spouse of a police officer who dies (i) on or after January 1, 2001, (ii) without having begun to receive either a retirement pension payable under Section 3-111 or a disability pension payable under Section 3-114.1, 3-114.2, 3-114.3, or 3-114.6, and (iii) as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty shall not be less than 100% of the salary attached to the rank held by the deceased police officer on the last day of service, notwithstanding any provision in this Article to the contrary.

(Source: P.A. 91-939, eff. 2-1-01.)

(40 ILCS 5/3-125) (from Ch. 108 1/2, par. 3-125)

Sec. 3-125. Financing.

(a) The city council or the board of trustees of the municipality shall annually levy a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of police officers, and revenues available from other sources, will equal a sum sufficient to meet the annual requirements of the police pension fund. The annual requirements to be provided by such tax levy are equal to (1) the normal cost of the pension fund for the year involved, plus (2) an the amount sufficient to bring the total assets of the pension fund up to 90% of the total actuarial liabilities of the pension fund by the end of municipal fiscal year 2040, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the pension fund or the municipality. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2040 and shall be determined under the projected unit credit actuarial cost method necessary to amortize the fund's unfunded accrued liabilities as provided in Section 3-127. The tax shall be levied and collected in the same manner as the general taxes of the municipality, and in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and shall be in addition to the amount authorized to be levied for general purposes as provided by Section 8-3-1 of the Illinois Municipal Code, approved May 29, 1961, as amended. The tax shall be forwarded directly to the treasurer of the board within 30 business days after receipt by the county.

(b) For purposes of determining the required employer contribution to a pension fund, the value of the pension fund's assets shall be equal to the actuarial value of the pension fund's assets, which shall be calculated as follows:

(1) On March 30, 2011, the actuarial value of a pension fund's assets shall be equal to the market value of the assets as of that date.

(2) In determining the actuarial value of the System's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(c) If a participating municipality fails to transmit to the fund contributions required of it under this Article for more than 90 days after the payment of those contributions is due, the fund may, after giving notice to the municipality, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the municipality:

(1) in fiscal year 2016, one-third of the total amount of any grants of State funds to the municipality;

(2) in fiscal year 2017, two-thirds of the total amount of any grants of State funds to the municipality;

and

(3) in fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the municipality.

The State Comptroller may not deduct from any grants of State funds to the municipality more than the amount of delinquent payments certified to the State Comptroller by the fund.

(d) The police pension fund shall consist of the following moneys which shall be set apart by the treasurer of the municipality:

- (1) All moneys derived from the taxes levied hereunder;
- (2) Contributions by police officers under Section 3-125.1;
- (3) All moneys accumulated by the municipality under any previous legislation establishing a fund for the benefit of disabled or retired police officers;
- (4) Donations, gifts or other transfers authorized by this Article.

(e) The Commission on Government Forecasting and Accountability shall conduct a study of all funds established under this Article and shall report its findings to the General Assembly on or before January 1, 2013. To the fullest extent possible, the study shall include, but not be limited to, the following:

- (1) fund balances;
- (2) historical employer contribution rates for each fund;
- (3) the actuarial formulas used as a basis for employer contributions, including the actual assumed rate of return for each year, for each fund;
- (4) available contribution funding sources;
- (5) the impact of any revenue limitations caused by PTELL and employer home rule or non-home rule status; and
- (6) existing statutory funding compliance procedures and funding enforcement mechanisms for all municipal pension funds.

(Source: P.A. 95-530, eff. 8-28-07.)

(40 ILCS 5/4-109) (from Ch. 108 1/2, par. 4-109)  
Sec. 4-109. Pension.

(a) A firefighter age 50 or more with 20 or more years of creditable service, who is no longer in service as a firefighter, shall receive a monthly pension of 1/2 the monthly salary attached to the rank held by him or her in the fire service at the date of retirement.

The monthly pension shall be increased by 1/12 of 2.5% of such monthly salary for each additional month over 20 years of service through 30 years of service, to a maximum of 75% of such monthly salary.

The changes made to this subsection (a) by this amendatory Act of the 91st General Assembly apply to all pensions that become payable under this subsection on or after January 1, 1999. All pensions payable under this subsection that began on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated, and the amount of the increase accruing for that period shall be payable to the pensioner in a lump sum.

(b) A firefighter who retires or is separated from service having at least 10 but less than 20 years of creditable service, who is not entitled to receive a disability pension, and who did not apply for a refund of contributions at his or her last separation from service shall receive a monthly pension upon attainment of age 60 based on the monthly salary attached to his or her rank in the fire service on the date of retirement or separation from service according to the following schedule:

- For 10 years of service, 15% of salary;
- For 11 years of service, 17.6% of salary;
- For 12 years of service, 20.4% of salary;
- For 13 years of service, 23.4% of salary;
- For 14 years of service, 26.6% of salary;
- For 15 years of service, 30% of salary;
- For 16 years of service, 33.6% of salary;
- For 17 years of service, 37.4% of salary;
- For 18 years of service, 41.4% of salary;
- For 19 years of service, 45.6% of salary.

(c) Notwithstanding any other provision of this Article, the provisions of this subsection (c) apply to a person who first becomes a firefighter under this Article on or after January 1, 2011.

A firefighter age 55 or more who has 10 or more years of service in that capacity shall be entitled at his option to receive a monthly pension for his service as a firefighter computed by multiplying 2.5% for each year of such service by his or her final average salary.

The pension of a firefighter who is retiring after attaining age 50 with 10 or more years of creditable



service shall be reduced by one-half of 1% for each month that the firefighter's age is under age 55.

The maximum pension under this subsection (c) shall be 75% of final average salary.

For the purposes of this subsection (c), "final average salary" means the average monthly salary obtained by dividing the total salary of the firefighter during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

Sec. 4-109.1. Increase in pension.

(a) Except as provided in subsection (e), the monthly pension of a firefighter who retires after July 1, 1971 and prior to January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 60 years of age or over at retirement date, or upon the first day of the month following attainment of age 60 if it occurs after the first anniversary of retirement, be increased by 2% of the originally granted monthly pension and by an additional 2% in each January thereafter. Effective January 1976, the rate of the annual increase shall be 3% of the originally granted monthly pension.

(b) The monthly pension of a firefighter who retired from service with 20 or more years of service, on or before July 1, 1971, shall be increased, in January of the year following the year of attaining age 65 or in January 1972, if then over age 65, by 2% of the originally granted monthly pension, for each year the firefighter received pension payments. In each January thereafter, he or she shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c) The monthly pension of a firefighter who is receiving a disability pension under this Article shall be increased, in January of the year following the year the firefighter attains age 60, or in January 1974, if then over age 60, by 2% of the originally granted monthly pension for each year he or she received pension payments. In each January thereafter, the firefighter shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c-1) On January 1, 1998, every child's disability benefit payable on that date under Section 4-110 or 4-110.1 shall be increased by an amount equal to 1/12 of 3% of the amount of the benefit, multiplied by the number of months for which the benefit has been payable. On each January 1 thereafter, every child's disability benefit payable under Section 4-110 or 4-110.1 shall be increased by 3% of the amount of the benefit then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-110 or 4-110.1.

(c-2) On July 1, 2004, every pension payable to or on behalf of a minor or disabled surviving child that is payable on that date under Section 4-114 shall be increased by an amount equal to 1/12 of 3% of the amount of the pension, multiplied by the number of months for which the benefit has been payable. On July 1, 2005, July 1, 2006, July 1, 2007, and July 1, 2008, every pension payable to or on behalf of a minor or disabled surviving child that is payable under Section 4-114 shall be increased by 3% of the amount of the pension then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-114.

(d) The monthly pension of a firefighter who retires after January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 55 years of age or over, or upon the first day of the month following attainment of age 55 if it occurs after the first anniversary of retirement, be increased by 1/12 of 3% of the originally granted monthly pension for each full month that has elapsed since the pension began, and by an additional 3% in each January thereafter.

The changes made to this subsection (d) by this amendatory Act of the 91st General Assembly apply to all initial increases that become payable under this subsection on or after January 1, 1999. All initial increases that became payable under this subsection on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated and the additional amount accruing for that period, if any, shall be payable to the pensioner in a lump sum.

(e) Notwithstanding the provisions of subsection (a), upon the first day of the month following (1) the

first anniversary of the date of retirement, or (2) the attainment of age 55, or (3) July 1, 1987, whichever occurs latest, the monthly pension of a firefighter who retired on or after January 1, 1977 and on or before January 1, 1986 and did not receive an increase under subsection (a) before July 1, 1987, shall be increased by 3% of the originally granted monthly pension for each full year that has elapsed since the pension began, and by an additional 3% in each January thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(f) In July 2009, the monthly pension of a firefighter who retired before July 1, 1977 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2009 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments after January 1, 1986, plus any increases in pension received for each year prior to January 1, 1986. In each January thereafter, he or she shall receive an additional increase of 3% of the amount of the pension then being paid. The changes made to this Section by this amendatory Act of the 96th General Assembly apply without regard to whether the firefighter was in service on or after its effective date.

(g) Notwithstanding any other provision of this Article, the monthly pension of a person who first becomes a firefighter under this Article on or after January 1, 2011 shall be increased on the January 1 occurring either on or after the attainment of age 60 or the first anniversary of the pension start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted pension. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the pension shall not be increased.

For the purposes of this subsection (g), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 96-775, eff. 8-28-09.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a)(1) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

(2) Beginning July 1, 2004, unless the amount provided under paragraph (1) of this subsection (a) is greater, the total monthly pension payable under this paragraph (a), including any amount payable on account of children, to the surviving spouse of a firefighter who died (i) while receiving a retirement pension, (ii) while he or she was a deferred pensioner with at least 20 years of creditable service, or (iii) while he or she was in active service having at least 20 years of creditable service, regardless of age, shall be no less than 100% of the monthly retirement pension earned by the deceased firefighter at the time of death, regardless of whether death occurs before or after attainment of age 50, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

(3) If the pension paid on and after July 1, 2004 to the surviving spouse of a firefighter who died on or after July 1, 2004 and before the effective date of this amendatory Act of the 93rd General Assembly was less than the minimum pension payable under paragraph (1) or (2) of this

subsection (a), the fund shall pay a lump sum equal to the difference within 90 days after the effective date of this amendatory Act of the 93rd General Assembly.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) (Blank).

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

Notwithstanding any other provision of this Article, if a person who first becomes a firefighter under this Article on or after January 1, 2011 and who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, (2) from any cause while in receipt of a disability

pension under this Article, (3) during retirement after 20 years service, (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, then a pension shall be paid to his or her survivors in the amount of 66 2/3% of the firefighter's earned pension at the date of death. Nothing in this Section shall act to diminish the survivor's benefits described in subsection (j) of this Section.

Notwithstanding any other provision of this Article, the monthly pension of a survivor of a person who first becomes a firefighter under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's pension and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted survivor's pension. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the survivor's pension shall not be increased.

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 95-279, eff. 1-1-08.)

(40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

Sec. 4-118. Financing.

(a) The city council or the board of trustees of the municipality shall annually levy a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of firefighters and revenues available from other sources, will equal a sum sufficient to meet the annual actuarial requirements of the pension fund, as determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the pension fund or municipality. For the purposes of this Section, the annual actuarial requirements of the pension fund are equal to (1) the normal cost of the pension fund, or 17.5% of the salaries and wages to be paid to firefighters for the year involved, whichever is greater, plus (2) an the annual amount sufficient to bring the total assets of the pension fund up to 90% of the total actuarial liabilities of the pension fund by the end of municipal fiscal year 2040, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the pension fund or the municipality. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2040 and shall be determined under the projected unit credit actuarial cost method necessary to amortize the fund's unfunded accrued liabilities over a period of 40 years from July 1, 1993, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the pension fund or the municipality. The amount to be applied towards the amortization of the unfunded accrued liability in any year shall not be less than the annual amount required to amortize the unfunded accrued liability, including interest, as a level percentage of payroll over the number of years remaining in the 40 year amortization period.

(a-5) For purposes of determining the required employer contribution to a pension fund, the value of the pension fund's assets shall be equal to the actuarial value of the pension fund's assets, which shall be calculated as follows:

(1) On March 30, 2011, the actuarial value of a pension fund's assets shall be equal to the market value of the assets as of that date.

(2) In determining the actuarial value of the pension fund's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(b) The tax shall be levied and collected in the same manner as the general taxes of the municipality, and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and in addition to the amount authorized to be levied for general purposes, under Section 8-3-1 of the Illinois Municipal Code or under Section 14 of the Fire Protection District Act. The tax shall be forwarded directly to the treasurer of the board within 30 business days of receipt by the county (or, in the case of amounts added to the tax levy under subsection (f), used by the municipality to pay the employer contributions required under subsection (b-1) of Section 15-155 of this Code).

(b-5) If a participating municipality fails to transmit to the fund contributions required of it under this

Article for more than 90 days after the payment of those contributions is due, the fund may, after giving notice to the municipality, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the municipality:

(1) in fiscal year 2016, one-third of the total amount of any grants of State funds to the municipality;

(2) in fiscal year 2017, two-thirds of the total amount of any grants of State funds to the municipality;

and

(3) in fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the municipality.

The State Comptroller may not deduct from any grants of State funds to the municipality more than the amount of delinquent payments certified to the State Comptroller by the fund.

(c) The board shall make available to the membership and the general public for inspection and copying at reasonable times the most recent Actuarial Valuation Balance Sheet and Tax Levy Requirement issued to the fund by the Department of Insurance.

(d) The firefighters' pension fund shall consist of the following moneys which shall be set apart by the treasurer of the municipality: (1) all moneys derived from the taxes levied hereunder; (2) contributions by firefighters as provided under Section 4-118.1; (3) all rewards in money, fees, gifts, and emoluments that may be paid or given for or on account of extraordinary service by the fire department or any member thereof, except when allowed to be retained by competitive awards; and (4) any money, real estate or personal property received by the board.

(e) For the purposes of this Section, "enrolled actuary" means an actuary: (1) who is a member of the Society of Actuaries or the American Academy of Actuaries; and (2) who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974, or who has been engaged in providing actuarial services to one or more public retirement systems for a period of at least 3 years as of July 1, 1983.

(f) The corporate authorities of a municipality that employs a person who is described in subdivision (d) of Section 4-106 may add to the tax levy otherwise provided for in this Section an amount equal to the projected cost of the employer contributions required to be paid by the municipality to the State Universities Retirement System under subsection (b-1) of Section 15-155 of this Code.

(g) The Commission on Government Forecasting and Accountability shall conduct a study of all funds established under this Article and shall report its findings to the General Assembly on or before January 1, 2013. To the fullest extent possible, the study shall include, but not be limited to, the following:

(1) fund balances;

(2) historical employer contribution rates for each fund;

(3) the actuarial formulas used as a basis for employer contributions, including the actual assumed rate of return for each year, for each fund;

(4) available contribution funding sources;

(5) the impact of any revenue limitations caused by PTELL and employer home rule or non-home rule status; and

(6) existing statutory funding compliance procedures and funding enforcement mechanisms for all municipal pension funds.

(Source: P.A. 94-859, eff. 6-15-06.)

(40 ILCS 5/5-167.1) (from Ch. 108 1/2, par. 5-167.1)

Sec. 5-167.1. Automatic increase in annuity; retirement from service after September 1, 1967.

(a) A policeman who retires from service after September 1, 1967 with at least 20 years of service credit shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1955) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1955) if it occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2% and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning January 1, 1983 for policemen born before January 1, 1930, and beginning January 1, 1988 for policemen born on or after January 1, 1930 but before January 1, 1940, and beginning January 1, 1996 for policemen born on or after January 1, 1940 but before January 1, 1945, and beginning January 1, 2000 for policemen born on or after January 1, 1945 but before January 1, 1950, and beginning January 1, 2005 for policemen born on or after January 1, 1950 but before January 1, 1955, such increases shall be 3% and such policemen shall not be subject to the 30% maximum increase.

Any policeman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by Public Act 89-12 apply beginning January 1, 1996 and without regard to whether the policeman or annuitant terminated service before the effective date of that Act.

Any policeman born before January 1, 1950 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2000 is entitled to receive the initial increase under this subsection on (1) January 1, 2000, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 92nd General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

Any policeman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2005 is entitled to receive the initial increase under this subsection on (1) January 1, 2005, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 94th General Assembly apply without regard to whether the policeman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1967, from each payment of salary to a policeman, 1/2 of 1% of each salary payment concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

The city, in addition to the contributions otherwise made by it for annuity purposes under other provisions of this Article, shall make matching contributions concurrently with such salary deductions.

Each such 1/2 of 1% deduction from salary and each such contribution by the city of 1/2 of 1% of salary shall be credited to the Automatic Increase Reserve, to be used to defray the cost of the 1 1/2% annuity increase provided by this Section. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such deductions from salary and city contributions shall continue while the policeman is in service.

The salary deductions provided in this Section are not subject to refund, except to the policeman himself, in any case in which a policeman withdraws prior to qualification for minimum annuity and applies for refund or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the policeman, without interest, and charged to the Automatic Increase Reserve.

(d) Notwithstanding any other provision of this Article, for a person who first becomes a policeman under this Article on or after January 1, 2011, the annuity to which the survivor is entitled under this subsection (d) shall be in the amount of 66 2/3% of the policeman's earned annuity at the date of death. Nothing in this subsection (d) shall act to diminish the survivor's benefits described in this Section.

Notwithstanding any other provision of this Article, the monthly annuity of a survivor of a person who first becomes a policeman under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's annuity and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this subsection (d), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 94-719, eff. 1-6-06.)

(40 ILCS 5/5-168) (from Ch. 108 1/2, par. 5-168)

Sec. 5-168. Financing.

(a) Except as expressly provided in this Section, the city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund.

The tax shall be at a rate that will produce a sum which, when added to the amounts deducted from the

policemen's salaries and the amounts deposited in accordance with subsection (g), is sufficient for the purposes of the fund.

For the years 1968 and 1969, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce, when extended, not to exceed \$9,700,000. Beginning with the year 1970 and through 2014, each year thereafter the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an amount not to exceed the total amount of contributions by the policemen to the Fund made in the calendar year 2 years before the year for which the applicable annual tax is levied, multiplied by 1.40 for the tax levy year 1970; by 1.50 for the year 1971; by 1.65 for 1972; by 1.85 for 1973; by 1.90 for 1974; by 1.97 for 1975 through 1981; by 2.00 for 1982 and for each year through 2014 thereafter. Beginning in 2015, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to (1) the normal cost to the Fund, plus (2) an annual amount sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2040, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund or the city. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2040 and shall be determined under the projected unit credit actuarial cost method. For the purposes of this subsection (a), contributions by the policeman to the Fund shall not include payments made by a policeman to establish credit under Section 5-214.2 of this Code.

(a-5) For purposes of determining the required employer contribution to the Fund, the value of the Fund's assets shall be equal to the actuarial value of the Fund's assets, which shall be calculated as follows:

(1) On March 30, 2011, the actuarial value of the Fund's assets shall be equal to the market value of the assets as of that date.

(2) In determining the actuarial value of the Fund's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(a-7) If the city fails to transmit to the Fund contributions required of it under this Article for more than 90 days after the payment of those contributions is due, the Fund may, after giving notice to the city, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the Fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the city:

(1) in fiscal year 2016, one-third of the total amount of any grants of State funds to the city;

(2) in fiscal year 2017, two-thirds of the total amount of any grants of State funds to the city; and

(3) in fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the city.

The State Comptroller may not deduct from any grants of State funds to the city more than the amount of delinquent payments certified to the State Comptroller by the Fund.

(b) The tax shall be levied and collected in like manner with the general taxes of the city, and is in addition to all other taxes which the city is now or may hereafter be authorized to levy upon all taxable property therein, and is exclusive of and in addition to the amount of tax the city is now or may hereafter be authorized to levy for general purposes under any law which may limit the amount of tax which the city may levy for general purposes. The county clerk of the county in which the city is located, in reducing tax levies under Section 8-3-1 of the Illinois Municipal Code, shall not consider the tax herein authorized as a part of the general tax levy for city purposes, and shall not include the tax in any limitation of the percent of the assessed valuation upon which taxes are required to be extended for the city.

(c) On or before January 10 of each year, the board shall notify the city council of the requirement that the tax herein authorized be levied by the city council for that current year. The board shall compute the amounts necessary for the purposes of this fund to be credited to the reserves established and maintained within the fund; shall make an annual determination of the amount of the required city contributions; and shall certify the results thereof to the city council.

As soon as any revenue derived from the tax is collected it shall be paid to the city treasurer of the city and shall be held by him for the benefit of the fund in accordance with this Article.

(d) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants against the tax levy for the current fiscal year.

(e) The various sums, including interest, to be contributed by the city, shall be taken from the revenue derived from such tax or otherwise as expressly provided in this Section. Any moneys of the city derived

from any source other than the tax herein authorized shall not be used for any purpose of the fund nor the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(f) If it is not possible or practicable for the city to make its contributions at the time that salary deductions are made, the city shall make such contributions as soon as possible thereafter, with interest thereon to the time it is made.

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the tax levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of that tax.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 95-1036, eff. 2-17-09.)

(40 ILCS 5/5-238 new)

Sec. 5-238. Provisions applicable to new hires.

(a) Notwithstanding any other provision of this Article, the provisions of this Section apply to a person who first becomes a policeman under this Article on or after January 1, 2011.

(b) A policeman age 55 or more who has 10 or more years of service in that capacity shall be entitled at his option to receive a monthly retirement annuity for his service as a police officer computed by multiplying 2.5% for each year of such service by his or her final average salary.

The retirement annuity of a policeman who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the police officer's age is under age 55.

The maximum retirement annuity under this subsection (b) shall be 75% of final average salary.

For the purposes of this subsection (b), "final average salary" means the average monthly salary obtained by dividing the total salary of the policeman during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(c) Notwithstanding any other provision of this Article, for a person who first becomes a policeman under this Article on or after January 1, 2011, the annuity to which the surviving spouse, children, or parents are entitled under this subsection (c) shall be in the amount of 66 2/3% of the policeman's earned annuity at the date of death.

Notwithstanding any other provision of this Article, the monthly annuity of a survivor of a person who first becomes a policeman under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's annuity and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted survivor's annuity. If the unadjusted percentage change in the consumer price index-u for



a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(40 ILCS 5/6-164) (from Ch. 108 1/2, par. 6-164)

Sec. 6-164. Automatic annual increase; retirement after September 1, 1959.

(a) A fireman qualifying for a minimum annuity who retires from service after September 1, 1959 shall, upon either the first of the month following the first anniversary of his date of retirement if he is age 60 (age 55 if born before January 1, 1955) or over on that anniversary date, or upon the first of the month following his attainment of age 60 (age 55 if born before January 1, 1955) if that occurs after the first anniversary of his retirement date, have his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by an additional 1 1/2% in January of each year thereafter up to a maximum increase of 30%. Beginning July 1, 1982 for firemen born before January 1, 1930, and beginning January 1, 1990 for firemen born after December 31, 1929 and before January 1, 1940, and beginning January 1, 1996 for firemen born after December 31, 1939 but before January 1, 1945, and beginning January 1, 2004, for firemen born after December 31, 1944 but before January 1, 1955, such increases shall be 3% and such firemen shall not be subject to the 30% maximum increase.

Any fireman born before January 1, 1945 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 1996 is entitled to receive the initial increase under this subsection on (1) January 1, 1996, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of 1995 apply beginning January 1, 1996 and apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act of 1995.

Any fireman born before January 1, 1955 who qualifies for a minimum annuity and retires after September 1, 1967 but has not received the initial increase under this subsection before January 1, 2004 is entitled to receive the initial increase under this subsection on (1) January 1, 2004, (2) the first anniversary of the date of retirement, or (3) attainment of age 55, whichever occurs last. The changes to this Section made by this amendatory Act of the 93rd General Assembly apply without regard to whether the fireman or annuitant terminated service before the effective date of this amendatory Act.

(b) Subsection (a) of this Section is not applicable to an employee receiving a term annuity.

(c) To help defray the cost of such increases in annuity, there shall be deducted, beginning September 1, 1959, from each payment of salary to a fireman, 1/8 of 1% of each such salary payment and an additional 1/8 of 1% beginning on September 1, 1961, and September 1, 1963, respectively, concurrently with and in addition to the salary deductions otherwise made for annuity purposes.

Each such additional 1/8 of 1% deduction from salary which shall, on September 1, 1963, result in a total increase of 3/8 of 1% of salary, shall be credited to the Automatic Increase Reserve, to be used, together with city contributions as provided in this Article, to defray the cost of the 1 1/2% annuity increments herein specified. Any balance in such reserve as of the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

The salary deductions provided in this Section are not subject to refund, except to the fireman himself, in any case in which a fireman withdraws prior to qualification for minimum annuity and applies for refund, or applies for annuity, and also where a term annuity becomes payable. In such cases, the total of such salary deductions shall be refunded to the fireman, without interest, and charged to the aforementioned reserve.

(d) Notwithstanding any other provision of this Article, the monthly annuity of a person who first becomes a fireman under this Article on or after January 1, 2011 shall be increased on the January 1 occurring either on or after the attainment of age 60 or the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

For the purposes of this subsection (d), "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/6-165) (from Ch. 108 1/2, par. 6-165)

Sec. 6-165. Financing; tax.

(a) Except as expressly provided in this Section, each city shall levy a tax annually upon all taxable property therein for the purpose of providing revenue for the fund. For the years prior to the year 1960, the tax rate shall be as provided for in the "Firemen's Annuity and Benefit Fund of the Illinois Municipal Code". The tax, from and after January 1, 1968 to and including the year 1971, shall not exceed .0863% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the city. Beginning with the year 1972 and through 2014, each year thereafter the city shall levy a tax annually at a rate on the dollar of the value, as equalized or assessed by the Department of Revenue of all taxable property within such city that will produce, when extended, not to exceed an amount equal to the total amount of contributions by the employees to the fund made in the calendar year 2 years prior to the year for which the annual applicable tax is levied, multiplied by 2.23 through the calendar year 1981, and by 2.26 for the year 1982 and for each year through 2014 thereafter. Beginning in 2015, the city council shall levy a tax annually at a rate on the dollar of the assessed valuation of all taxable property that will produce when extended an annual amount that is equal to (1) the normal cost to the Fund, plus (2) an annual amount sufficient to bring the total assets of the Fund up to 90% of the total actuarial liabilities of the Fund by the end of fiscal year 2040, as annually updated and determined by an enrolled actuary employed by the Illinois Department of Insurance or by an enrolled actuary retained by the Fund or the city. In making these determinations, the required minimum employer contribution shall be calculated each year as a level percentage of payroll over the years remaining up to and including fiscal year 2040 and shall be determined under the projected unit credit actuarial cost method.

To provide revenue for the ordinary death benefit established by Section 6-150 of this Article, in addition to the contributions by the firemen for this purpose, the city council shall for the year 1962 and each year thereafter annually levy a tax, which shall be in addition to and exclusive of the taxes authorized to be levied under the foregoing provisions of this Section, upon all taxable property in the city, as equalized or assessed by the Department of Revenue, at such rate per cent of the value of such property as shall be sufficient to produce for each year the sum of \$142,000.

The amounts produced by the taxes levied annually, together with the deposit expressly authorized in this Section, shall be sufficient, when added to the amounts deducted from the salaries of firemen and applied to the fund, to provide for the purposes of the fund.

(a-5) For purposes of determining the required employer contribution to the Fund, the value of the Fund's assets shall be equal to the actuarial value of the Fund's assets, which shall be calculated as follows:

(1) On March 30, 2011, the actuarial value of the Fund's assets shall be equal to the market value of the assets as of that date.

(2) In determining the actuarial value of the Fund's assets for fiscal years after March 30, 2011, any actuarial gains or losses from investment return incurred in a fiscal year shall be recognized in equal annual amounts over the 5-year period following that fiscal year.

(a-7) If the city fails to transmit to the Fund contributions required of it under this Article for more than 90 days after the payment of those contributions is due, the Fund may, after giving notice to the city, certify to the State Comptroller the amounts of the delinquent payments, and the Comptroller must, beginning in fiscal year 2016, deduct and deposit into the Fund the certified amounts or a portion of those amounts from the following proportions of grants of State funds to the city:

(1) in fiscal year 2016, one-third of the total amount of any grants of State funds to the city;

(2) in fiscal year 2017, two-thirds of the total amount of any grants of State funds to the city; and

(3) in fiscal year 2018 and each fiscal year thereafter, the total amount of any grants of State funds to the city.

The State Comptroller may not deduct from any grants of State funds to the city more than the amount of delinquent payments certified to the State Comptroller by the Fund.

(b) The taxes shall be levied and collected in like manner with the general taxes of the city, and shall be in addition to all other taxes which the city may levy upon all taxable property therein and shall be exclusive of and in addition to the amount of tax the city may levy for general purposes under Section 8-3-1

of the Illinois Municipal Code, approved May 29, 1961, as amended, or under any other law or laws which may limit the amount of tax which the city may levy for general purposes.

(c) The amounts of the taxes to be levied in each year shall be certified to the city council by the board.

(d) As soon as any revenue derived from such taxes is collected, it shall be paid to the city treasurer and held for the benefit of the fund, and all such revenue shall be paid into the fund in accordance with the provisions of this Article.

(e) If the funds available are insufficient during any year to meet the requirements of this Article, the city may issue tax anticipation warrants, against the tax levies herein authorized for the current fiscal year.

(f) The various sums, hereinafter stated, including interest, to be contributed by the city, shall be taken from the revenue derived from the taxes or otherwise as expressly provided in this Section. Except for defraying the cost of administration of the fund during the calendar year in which a city first attains a population of 500,000 and comes under the provisions of this Article and the first calendar year thereafter, any money of the city derived from any source other than these taxes or the sale of tax anticipation warrants shall not be used to provide revenue for the fund, nor to pay any part of the cost of administration thereof, unless applied to make the deposit expressly authorized in this Section or the additional city contributions required under subsection (h).

(g) In lieu of levying all or a portion of the tax required under this Section in any year, the city may deposit with the city treasurer no later than March 1 of that year for the benefit of the fund, to be held in accordance with this Article, an amount that, together with the taxes levied under this Section for that year, is not less than the amount of the city contributions for that year as certified by the board to the city council. The deposit may be derived from any source legally available for that purpose, including, but not limited to, the proceeds of city borrowings. The making of a deposit shall satisfy fully the requirements of this Section for that year to the extent of the amounts so deposited. Amounts deposited under this subsection may be used by the fund for any of the purposes for which the proceeds of the taxes levied under this Section may be used, including the payment of any amount that is otherwise required by this Article to be paid from the proceeds of those taxes.

(h) In addition to the contributions required under the other provisions of this Article, by November 1 of the following specified years, the city shall deposit with the city treasurer for the benefit of the fund, to be held and used in accordance with this Article, the following specified amounts: \$6,300,000 in 1999; \$5,880,000 in 2000; \$5,460,000 in 2001; \$5,040,000 in 2002; and \$4,620,000 in 2003.

The additional city contributions required under this subsection are intended to decrease the unfunded liability of the fund and shall not decrease the amount of the city contributions required under the other provisions of this Article. The additional city contributions made under this subsection may be used by the fund for any of its lawful purposes.

(Source: P.A. 93-654, eff. 1-16-04.)

(40 ILCS 5/6-229 new)

Sec. 6-229. Provisions applicable to new hires.

(a) Notwithstanding any other provision of this Article, the provisions of this Section apply to a person who first becomes a fireman under this Article on or after January 1, 2011.

(b) A fireman age 55 or more who has 10 or more years of service in that capacity shall be entitled at his option to receive a monthly retirement annuity for his service as a fireman computed by multiplying 2.5% for each year of such service by his or her final average salary.

The retirement annuity of a fireman who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the fireman's age is under age 55.

The maximum retirement annuity under this subsection (b) shall be 75% of final average salary.

For the purposes of this subsection (b), "final average salary" means the average monthly salary obtained by dividing the total salary of the fireman during the 96 consecutive months of service within the last 120 months of service in which the total salary was the highest by the number of months of service in that period.

Beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual salary based on the plan year of a member or participant to whom this Section applies shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(c) Notwithstanding any other provision of this Article, for a person who first becomes a fireman under

this Article on or after January 1, 2011, the annuity to which the surviving spouse, children, or parents are entitled under this subsection (c) shall be in the amount of 66 2/3% of the fireman's earned pension at the date of death.

Notwithstanding any other provision of this Article, the monthly annuity of a survivor of a person who first becomes a fireman under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's pension and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase in the consumer price index-u for the 12 months ending with September preceding each November 1, whichever is less, of the originally granted survivor's annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

(40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)

Sec. 7-142.1. Sheriff's law enforcement employees.

(a) In lieu of the retirement annuity provided by subparagraph 1 of paragraph (a) of Section 7-142:

Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service prior to January 1, 1988 shall be entitled at his option to receive a monthly retirement annuity for his service as a sheriff's law enforcement employee computed by multiplying 2% for each year of such service up to 10 years, 2 1/4% for each year of such service above 10 years and up to 20 years, and 2 1/2% for each year of such service above 20 years, by his annual final rate of earnings and dividing by 12.

Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service on or after January 1, 1988 and before July 1, 2004 shall be entitled at his option to receive a monthly retirement annuity for his service as a sheriff's law enforcement employee computed by multiplying 2.5% for each year of such service up to 20 years, 2% for each year of such service above 20 years and up to 30 years, and 1% for each year of such service above 30 years, by his annual final rate of earnings and dividing by 12.

Any sheriff's law enforcement employee who has 20 or more years of service in that capacity and who terminates service on or after July 1, 2004 shall be entitled at his or her option to receive a monthly retirement annuity for service as a sheriff's law enforcement employee computed by multiplying 2.5% for each year of such service by his annual final rate of earnings and dividing by 12.

If a sheriff's law enforcement employee has service in any other capacity, his retirement annuity for service as a sheriff's law enforcement employee may be computed under this Section and the retirement annuity for his other service under Section 7-142.

In no case shall the total monthly retirement annuity for persons who retire before July 1, 2004 exceed 75% of the monthly final rate of earnings. In no case shall the total monthly retirement annuity for persons who retire on or after July 1, 2004 exceed 80% of the monthly final rate of earnings.

(b) Whenever continued group insurance coverage is elected in accordance with the provisions of Section 367h of the Illinois Insurance Code, as now or hereafter amended, the total monthly premium for such continued group insurance coverage or such portion thereof as is not paid by the municipality shall, upon request of the person electing such continued group insurance coverage, be deducted from any monthly pension benefit otherwise payable to such person pursuant to this Section, to be remitted by the Fund to the insurance company or other entity providing the group insurance coverage.

(c) A sheriff's law enforcement employee who has service in any other capacity may convert up to 10 years of that service into service as a sheriff's law enforcement employee by paying to the Fund an amount equal to (1) the additional employee contribution required under Section 7-173.1, plus (2) the additional employer contribution required under Section 7-172, plus (3) interest on items (1) and (2) at the prescribed rate from the date of the service to the date of payment.

(d) The changes to subsections (a) and (b) of this Section made by this amendatory Act of the 94th General Assembly apply only to persons in service on or after July 1, 2004. In the case of such a person who begins to receive a retirement annuity before the effective date of this amendatory Act of the 94th General Assembly, the annuity shall be recalculated prospectively to reflect those changes, with the resulting increase beginning to accrue on the first annuity payment date following the effective date of this amendatory Act.

(e) Any elected county officer who was entitled to receive a stipend from the State on or after July 1, 2009 and on or before June 30, 2010 may establish earnings credit for the amount of stipend not received, if the elected county official applies in writing to the fund within 6 months after the effective date of this amendatory Act of the 96th General Assembly and pays to the fund an amount equal to (i) employee

contributions on the amount of stipend not received, (ii) employer contributions determined by the Board equal to the employer's normal cost of the benefit on the amount of stipend not received, plus (iii) interest on items (i) and (ii) at the actuarially assumed rate.

(f) Notwithstanding any other provision of this Article, the provisions of this subsection (f) apply to a person who first becomes a sheriff's law enforcement employee under this Article on or after January 1, 2011.

A sheriff's law enforcement employee age 55 or more who has 10 or more years of service in that capacity shall be entitled at his option to receive a monthly retirement annuity for his or her service as a sheriff's law enforcement employee computed by multiplying 2.5% for each year of such service by his or her final rate of earnings.

The retirement annuity of a sheriff's law enforcement employee who is retiring after attaining age 50 with 10 or more years of creditable service shall be reduced by one-half of 1% for each month that the sheriff's law enforcement employee's age is under age 55.

The maximum retirement annuity under this subsection (f) shall be 75% of final rate of earnings.

For the purposes of this subsection (f), "final rate of earnings" means the average monthly earnings obtained by dividing the total salary of the sheriff's law enforcement employee during the 96 consecutive months of service within the last 120 months of service in which the total earnings was the highest by the number of months of service in that period.

Notwithstanding any other provision of this Article, beginning on January 1, 2011, for all purposes under this Code (including without limitation the calculation of benefits and employee contributions), the annual earnings of a sheriff's law enforcement employee to whom this Section applies shall not include overtime and shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of (i) 3% of that amount, including all previous adjustments, or (ii) one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, including all previous adjustments.

(g) Notwithstanding any other provision of this Article, the monthly annuity of a person who first becomes a sheriff's law enforcement employee under this Article on or after January 1, 2011 shall be increased on the January 1 occurring either on or after the attainment of age 60 or the first anniversary of the annuity start date, whichever is later. Each annual increase shall be calculated at 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted retirement annuity. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

(h) Notwithstanding any other provision of this Article, for a person who first becomes a sheriff's law enforcement employee under this Article on or after January 1, 2011, the annuity to which the surviving spouse, children, or parents are entitled under this subsection (h) shall be in the amount of 66 2/3% of the sheriff's law enforcement employee's earned annuity at the date of death.

(i) Notwithstanding any other provision of this Article, the monthly annuity of a survivor of a person who first becomes a sheriff's law enforcement employee under this Article on or after January 1, 2011 shall be increased on the January 1 after attainment of age 60 by the recipient of the survivor's annuity and each January 1 thereafter by 3% or one-half the annual unadjusted percentage increase in the consumer price index-u for the 12 months ending with the September preceding each November 1, whichever is less, of the originally granted pension. If the annual unadjusted percentage change in the consumer price index-u for a 12-month period ending in September is zero or, when compared with the preceding period, decreases, then the annuity shall not be increased.

(j) For the purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the pension funds.

(Source: P.A. 96-961, eff. 7-2-10.)

Section 99. Effective date. This Act takes effect January 1, 2011."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

### **SENATE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative McCarthy, SENATE BILL 3538 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 95, Yeas; 18, Nays; 0, Answering Present.

(ROLL CALL 10)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

On motion of Representative Colvin, SENATE BILL 3388 was taken up and read by title a third time. A three-fifths vote is required.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 86, Yeas; 27, Nays; 2, Answering Present.

(ROLL CALL 11)

This bill, as amended, having received the votes of three-fifths of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate thereof and ask their concurrence in the House amendment/s adopted thereto.

### **DISTRIBUTION OF SUPPLEMENTAL CALENDAR**

Supplemental Calendar No. 2 was distributed to the Members at 3:47 o'clock p.m.

### **SENATE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Harris, SENATE BILL 1716 was taken up and read by title a third time.

Representative Chapa LaVia requested a verified roll call should this bill receive the required number of votes for passage.

Representative Chapa LaVia withdrew her motion for a verified roll call.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 61, Yeas; 52, Nays; 2, Answering Present.

(ROLL CALL 12)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

**ACTION ON MOTIONS**

Pursuant to the motion submitted previously, Representative Fritchey moved to reconsider the vote by which SENATE BILL 1716 passed.

Representative Currie moved to table the motion to reconsider the vote by which SENATE BILL 1716 passed.

The motion prevailed.

**SENATE BILL ON THIRD READING  
CONSIDERATION POSTPONED**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

SENATE BILL 2485. Having been read by title a third time on November 30, 2010, and further consideration postponed, the same was again taken up.

Representative Mautino moved the passage of SENATE BILL 2485.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 63, Yeas; 50, Nays; 1, Answering Present.

(ROLL CALL 13)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

**HOUSE BILLS ON SECOND READING**

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 1715 and 1721.

**AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1515, 1518, 1519 and 1522 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 6:56 o'clock p.m., Representative Currie moved that the House do now adjourn until Wednesday, December 1, 2010, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

November 30, 2010

0 YEAS

0 NAYS

115 PRESENT

P Acevedo	P Davis, Monique	P Kosel	P Reboletti
P Arroyo	P Davis, William	P Lang	P Reis
P Bassi	P DeLuca	P Leitch	P Reitz
P Beaubien	E Dugan	P Lilly	P Riley
P Beiser	P Dunkin	P Lyons	P Rita
P Bellock	P Durkin	E Mathias	P Rose
P Berrios	P Eddy	P Mautino	P Sacia
P Biggins	P Farnham	P May	P Saviano
P Black	P Feigenholtz	P Mayfield	P Schmitz
P Boland	P Flider	P McAsey	P Senger
P Bost	P Flowers	P McAuliffe	P Sente
P Bradley	P Ford	P McCarthy	P Smith
P Brady	P Fortner	P McGuire (ADDED)	P Sommer
P Brauer	P Franks	P Mell	P Soto
P Burke	P Fritchey	P Mendoza	P Stephens
P Burns	P Froehlich	P Miller	P Sullivan
P Carberry	P Gabel	P Mitchell, Bill	P Thapedi
P Cavaletto	P Golar	P Mitchell, Jerry	P Tracy
P Chapa LaVia	P Gordon, Careen	P Moffitt	P Tryon
P Coladipietro	P Gordon, Jehan	P Mulligan (ADDED)	P Turner
P Cole	P Hannig	E Myers	P Verschoore
P Collins	P Harris	P Nekritz	P Wait
P Colvin	P Hatcher	P O'Sullivan	P Walker
P Connelly	P Hernandez	P Osmond	P Watson
P Coulson	P Hoffman	P Osterman	P Winters
P Crespo	P Holbrook	P Phelps	P Yarbrough
P Cross	P Howard	P Pihos	P Zalewski
P Cultra	P Jackson	P Poe	P Mr. Speaker
P Currie	P Jakobsson	P Pritchard	
P D'Amico	P Jefferson	P Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 1512  
 FINANCE-TECH  
 THIRD READING  
 PASSED

November 30, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 1935  
 TRANSPORTATION-TECH  
 THIRD READING  
 PASSED

November 30, 2010

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
N Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 550  
 PEN CD-CHICAGO POLICE & FIRE  
 THIRD READING  
 PASSED

November 30, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 3776  
PENSION STABILIZATION FUND  
THIRD READING  
PASSED

November 30, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 5085  
 INS-CANCER-DRUG-CLINIC TRIAL  
 MOTION TO CONCUR IN SENATE AMENDMENT NO. 1  
 CONCURRED

November 30, 2010

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
N Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 127  
SCH CD MANDATE WAIVER REPORT  
ADOPTED

November 30, 2010

90 YEAS

22 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	N DeLuca	N Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	N Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	N Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	N McAsey	N Senger
N Bost	Y Flowers	Y McAuliffe	N Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	N Fortner	Y McGuire	N Sommer
Y Brauer	NV Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	N Stephens
Y Burns	Y Froehlich	Y Miller	NV Sullivan
Y Carberry	Y Gabel	N Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	N Gordon, Jehan	E Mulligan	Y Turner
N Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	N Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
N Connelly	Y Hernandez	N Osmond	Y Watson
N Coulson	Y Hoffman	Y Osterman	Y Winters
N Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
N Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	N Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 1525  
 REVENUE-TECH  
 THIRD READING  
 PASSED

November 30, 2010

114 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 1365  
GOVERNMENT-TECH  
THIRD READING  
PASSED

November 30, 2010

113 YEAS

1 NAY

0 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
Y Boland	Y Flider	Y McAsey	Y Senger
Y Bost	Y Flowers	Y McAuliffe	Y Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	Y Stephens
Y Burns	Y Froehlich	Y Miller	N Sullivan
Y Carberry	Y Gabel	Y Mitchell, Bill	Y Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	Y Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
Y Cultra	Y Jackson	Y Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 3538  
 PEN CD-ART 6-REVERSIONARY  
 THIRD READING  
 THREE-FIFTHS VOTE REQUIRED  
 PASSED

November 30, 2010

95 YEAS

18 NAYS

0 PRESENT

N Acevedo	Y Davis, Monique	Y Kosel	Y Reboletti
Y Arroyo	Y Davis, William	Y Lang	N Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	Y Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	Y Farnham	Y May	N Saviano
Y Black	Y Feigenholtz	Y Mayfield	Y Schmitz
N Boland	N Flider	Y McAsey	Y Senger
N Bost	Y Flowers	N McAuliffe	Y Sente
N Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	Y Fortner	Y McGuire	Y Sommer
Y Brauer	Y Franks	Y Mell	Y Soto
N Burke	Y Fritchey	N Mendoza	N Stephens
Y Burns	N Froehlich	Y Miller	Y Sullivan
Y Carberry	Y Gabel	N Mitchell, Bill	Y Thapedi
N Cavaletto	Y Golar	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	N Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	Y Gordon, Jehan	E Mulligan	Y Turner
Y Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	Y Hatcher	Y O'Sullivan	Y Walker
Y Connelly	Y Hernandez	Y Osmond	Y Watson
Y Coulson	N Hoffman	Y Osterman	Y Winters
Y Crespo	Y Holbrook	N Phelps	Y Yarbrough
Y Cross	Y Howard	Y Pihos	Y Zalewski
N Cultra	Y Jackson	Y Poe	NV Mr. Speaker
Y Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 3388  
 UTIL-REMOVE BAN-NUCL CONST  
 THIRD READING  
 THREE-FIFTHS VOTE REQUIRED  
 PASSED

November 30, 2010

86 YEAS

27 NAYS

2 PRESENT

Y Acevedo	Y Davis, Monique	Y Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
Y Bassi	Y DeLuca	Y Leitch	Y Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	Y Rita
Y Bellock	P Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	N Farnham	N May	Y Saviano
N Black	N Feigenholtz	Y Mayfield	Y Schmitz
N Boland	Y Flider	N McAsey	N Senger
Y Bost	Y Flowers	Y McAuliffe	N Sente
Y Bradley	Y Ford	Y McCarthy	Y Smith
Y Brady	N Fortner	Y McGuire	N Sommer
Y Brauer	N Franks	Y Mell	Y Soto
Y Burke	N Fritchey	Y Mendoza	Y Stephens
N Burns	Y Froehlich	Y Miller	N Sullivan
Y Carberry	N Gabel	Y Mitchell, Bill	P Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	N Tracy
N Chapa LaVia	Y Gordon, Careen	Y Moffitt	Y Tryon
Y Coladipietro	N Gordon, Jehan	Y Mulligan	Y Turner
N Cole	Y Hannig	E Myers	Y Verschoore
Y Collins	Y Harris	Y Nekritz	Y Wait
Y Colvin	N Hatcher	Y O'Sullivan	Y Walker
N Connelly	Y Hernandez	Y Osmond	Y Watson
N Coulson	Y Hoffman	Y Osterman	Y Winters
N Crespo	Y Holbrook	Y Phelps	Y Yarbrough
Y Cross	Y Howard	N Pihos	Y Zalewski
N Cultra	Y Jackson	Y Poe	Y Mr. Speaker
N Currie	Y Jakobsson	Y Pritchard	
Y D'Amico	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 1716  
CIV PRO-DEATH OF PARTY  
THIRD READING  
PASSED

November 30, 2010

## 61 YEAS

## 52 NAYS

## 2 PRESENT

Y Acevedo	Y Davis, Monique	N Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	N Reis
Y Bassi	Y DeLuca	N Leitch	N Reitz
Y Beaubien	E Dugan	Y Lilly	Y Riley
N Beiser	Y Dunkin	N Lyons	Y Rita
N Bellock	N Durkin	E Mathias	N Rose
Y Berrios	N Eddy	N Mautino	N Sacia
N Biggins	Y Farnham	Y May	Y Saviano
Y Black	Y Feigenholtz	P Mayfield	N Schmitz
Y Boland	Y Flider	Y McAsey	N Senger
N Bost	Y Flowers	N McAuliffe	Y Sente
N Bradley	Y Ford	P McCarthy	Y Smith
N Brady	N Fortner	Y McGuire	N Sommer
N Brauer	Y Franks	Y Mell	Y Soto
Y Burke	Y Fritchey	Y Mendoza	N Stephens
Y Burns	Y Froehlich	Y Miller	N Sullivan
Y Carberry	Y Gabel	N Mitchell, Bill	Y Thapedi
N Cavaletto	Y Golar	N Mitchell, Jerry	N Tracy
N Chapa LaVia	Y Gordon, Careen	N Moffitt	N Tryon
N Coladipietro	Y Gordon, Jehan	Y Mulligan	Y Turner
N Cole	Y Hannig	E Myers	N Verschoore
Y Collins	Y Harris	Y Nekritz	N Wait
Y Colvin	N Hatcher	N O'Sullivan	Y Walker
N Connelly	Y Hernandez	N Osmond	N Watson
Y Coulson	Y Hoffman	Y Osterman	N Winters
Y Crespo	N Holbrook	N Phelps	Y Yarbrough
N Cross	Y Howard	N Pihos	Y Zalewski
N Cultra	Y Jackson	N Poe	Y Mr. Speaker
Y Currie	Y Jakobsson	N Pritchard	
N D'Amico	N Jefferson	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-SIXTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2485  
 CERT OF PUBLIC CONVENIENCE  
 THIRD READING  
 PASSED

November 30, 2010

63 YEAS

50 NAYS

1 PRESENT

N Acevedo	N Davis, Monique	N Kosel	N Reboletti
Y Arroyo	Y Davis, William	Y Lang	Y Reis
N Bassi	Y DeLuca	Y Leitch	Y Reitz
N Beaubien	E Dugan	Y Lilly	Y Riley
Y Beiser	Y Dunkin	Y Lyons	N Rita
N Bellock	N Durkin	E Mathias	Y Rose
Y Berrios	Y Eddy	Y Mautino	Y Sacia
Y Biggins	N Farnham	N May	Y Saviano
Y Black	N Feigenholtz	Y Mayfield	N Schmitz
Y Boland	Y Flider	N McAsey	N Senger
Y Bost	N Flowers	Y McAuliffe	N Sente
Y Bradley	N Ford	N McCarthy	Y Smith
Y Brady	N Fortner	Y McGuire	N Sommer
Y Brauer	N Franks	Y Mell	Y Soto
N Burke	Y Fritchey	N Mendoza	Y Stephens
N Burns	Y Froehlich	Y Miller	N Sullivan
N Carberry	Y Gabel	Y Mitchell, Bill	P Thapedi
Y Cavaletto	Y Golar	Y Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Gordon, Careen	Y Moffitt	N Tryon
N Coladipietro	N Gordon, Jehan	NV Mulligan	Y Turner
N Cole	Y Hannig	E Myers	Y Verschoore
N Collins	Y Harris	N Nekritz	Y Wait
Y Colvin	N Hatcher	N O'Sullivan	N Walker
N Connelly	Y Hernandez	N Osmond	Y Watson
N Coulson	Y Hoffman	N Osterman	N Winters
N Crespo	Y Holbrook	Y Phelps	N Yarbrough
N Cross	Y Howard	N Pihos	Y Zalewski
N Cultra	Y Jackson	Y Poe	Y Mr. Speaker
N Currie	Y Jakobsson	N Pritchard	
Y D'Amico	Y Jefferson	N Ramey	

E - Denotes Excused Absence

**152ND LEGISLATIVE DAY****Perfunctory Session****TUESDAY, NOVEMBER 30, 2010**

At the hour of 7:37 o'clock p.m., the House convened perfunctory session.

**INTRODUCTION AND FIRST READING OF BILLS**

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6955. Introduced by Representative Franks, AN ACT concerning government.

HOUSE BILL 6956. Introduced by Representative Flider, AN ACT concerning government.

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Monique Davis replaced Representative Collins in the Committee on Human Services on November 30, 2010.

Representative Burns replaced Representative Flowers in the Committee on Human Services on November 30, 2010.

Representative Durkin replaced Representative Schmitz in the Committee on Human Services on November 30, 2010.

Representative Eddy replaced Representative Reboletti in the Committee on Judiciary II - Criminal Law on November 30, 2010.

**REPORTS FROM STANDING COMMITTEES**

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 1721.

The committee roll call vote on Amendment No. 1 to House Bill 1721 is as follows:  
7, Yeas; 0, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Howard(D), Vice-Chairperson
Y Bellock(R), Republican Spokesperson	Y Cole(R)
Y Davis, M (replacing Collins)	Y Burns (replacing Flowers)
Y Durkin (replacing Schmitz)	

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on November 30, 2010, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 3 to SENATE BILL 389.

The committee roll call vote on Amendment No. 3 to Senate Bill 389 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson  
Y Eddy (replacing Reboletti)  
Y McAsey(D)  
Y Wait(R)

Y Collins(D), Vice-Chairperson  
Y Golar(D)  
Y Sacia(R)

At the hour of 7:39 o'clock p.m., the House Perfunctory Session adjourned.