STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

160TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, JANUARY 5, 2011

11:48 O'CLOCK A.M.

NO. 160

HOUSE OF REPRESENTATIVES
Daily Journal Index
160th Legislative Day

The House met pursuant to adjournment.
Representative Mautino in the chair.
Prayer by Assistant Doorkeeper of the House Wayne Padget.
Representative Walker 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:
114 present. (ROLL CALL 1)

By unanimous consent, Representatives Mell, Miller, Mulligan and Smith were excused from attendance.

LETTER OF TRANSMITTAL

Thursday, January 6, 2011

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

RE: SB3383 IFA-DISTRESSED PROVIDERS

Dear Mr. Mahnoey:

The above mentioned Bill passed the Illinois House on Wednesday, January 5, 2011. I would like to be recorded as a "Yes" on this legislation.

Thank you.

Respectfully,
s/Harry Osterman
IL House of Representatives

LETTER OF TRANSMITTAL

January 5, 2011

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 Bill:

House Bill: 6913.

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 Beaubien replaced Representative Schmitz in the Committee on Rules on January 5, 2011.

Representative Mathias replaced Representative Osmond in the Committee on Rules (A) on January 5, 2011.

Representative Mayfield replaced Representative Franks in the Committee on International Trade & Commerce on January 5, 2011.

Representative Moore replaced Representative Berrios in the Committee on International Trade & Commerce on January 5, 2011.

Representative William Davis replaced Representative Burns in the Committee on State Government Administration on January 5, 2011.

Representative Howard replaced Representative Monique Davis in the Committee on State Government Administration on January 5, 2011.

Representative Reitz replaced Representative Dugan in the Committee on State Government Administration on January 5, 2011.

Representative Mendoza replaced Representative Froehlich in the Committee on State Government Administration on January 5, 2011.

Representative Schmitz replaced Representative Brady in the Committee on Executive on January 5, 2011.

Representative Harris replaced Representative Madigan in the Committee on Executive on January 5, 2011.

Representative Sente replaced Representative Acevedo in the Committee on Executive on January 5, 2011.

Representative Reitz replaced Representative Acevedo in the Committee on Executive on January 5, 2011.

Representative Lang replaced Representative Madigan in the Committee on Executive on January 5, 2011.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 5, 2011, 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. 2 to SENATE BILL 3965.

The committee roll call vote on Amendment No. 2 to Senate Bill 3965 is as follows:

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

Y Currie(D), Chairperson
A Lang(D)
Y Beaubien(R) (replacing Schmitz)
Y Hannig(D)
Y Osmond(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 5, 2011, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Judiciary I - Civil Law: HOUSE AMENDMENT No. 2 to SENATE BILL 3322.
State Government Administration: HOUSE BILL 6913.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 2, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Lang(D)
N Schmitz(R)
Y Harris(D) (replacing Hannig)
N Mathias(R) (replacing Osmond)

REPORTS FROM STANDING COMMITTEES

Representative Mendoza, Chairperson, from the Committee on International Trade & Commerce to which the following were referred, action taken on January 5, 2011, 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 1570.

The committee roll call vote on House Resolution 1570 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Mendoza(D), Chairperson
Y Sommer(R), Republican Spokesperson
Y Moore(D) (replacing Berrios)
Y Davis, William(D)
Y Sacia(R)
Y Walker(D)
Y Mayfield(D) (replacing Franks)
Y Beaubien(R)
Y Coladipietro(R)
Y Dunkin(D)
A Senger(R)

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on January 5, 2011, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1454.
Amendment No. 1 to HOUSE BILL 1515.
Amendment No. 1 to SENATE BILL 2525.

The committee roll call vote on Amendment No. 1 to House Bill 1454 is as follows:
15, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
Y Davis, W(D) (replacing Burns)
A Reitz(D) (replacing Dugan)
Y Bassi(R)
Y Bost(R)
Y Collins(D)

Y Crespo(D)
Y Farnham(D)
Y Hammond(R)
Y Moffitt(R)
A Ramey(R)
Y Howard(D) (replacing Davis, M)
Y Mendoza(D) (replacing Froehlich)
Y McAsey(D)
Y Poe(R)

The committee roll call vote on Amendment No. 1 to House Bill 1515 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
Y Davis, W(D) (replacing Burns)
Y Crespo(D)
Y Farnham(D)
Y Hammond(R)
Y Moffitt(R)
A Ramey(R)
Y Reitz(D) (replacing Dugan)
Y Bassi(R)
Y Bost(R)
Y Collins(D)
Y Howard(D) (replacing Davis, M)
Y Mendoza(D) (replacing Froehlich)
Y McAsey(D)
Y Poe(R)

The committee roll call vote on Amendment No. 1 to Senate Bill 2525 is as follows:
16, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson
Y Wait(R), Republican Spokesperson
Y Boland(D)
Y Davis, W(D) (replacing Burns)
Y Crespo(D)
Y Farnham(D)
Y Hammond(R)
Y Moffitt(R)
A Ramey(R)
Y Reitz(D) (replacing Dugan)
Y Bassi(R)
Y Bost(R)
Y Collins(D)
Y Howard(D) (replacing Davis, M)
Y Froehlich(D)
Y McAsey(D)
Y Poe(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 5, 2011, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 3383.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1927.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 3952.

The committee roll call vote on Senate Bill 1927 and Senate Bill 3952 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson
Y Schmitz(R) (replacing Brady)
Y Arroyo(D)
Y Biggins(R)
Y Rita(D)
Y Tryon(R)
Y Lyons(D), Vice-Chairperson
Y Reitz(D) (replacing Acevedo)
Y Berrios(D)
Y Harris(D) (replacing Madigan)
Y Sullivan(R)

The committee roll call vote on Amendment No. 2 to Senate Bill 3383 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson
Y Schmitz(R) (replacing Brady)
Y Arroyo(D)
Y Lyons(D), Vice-Chairperson
Y Sente(D) (replacing Acevedo)
Y Berrios(D)

Y Biggins(R)
Y Rita(D)
Y Tryon(R)
Y Harris(D) (replacing Madigan)
Y Sullivan(R)

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of bills of the following titles to-wit:

HOUSE BILL NO. 1444
A bill for AN ACT concerning State government.

HOUSE BILL NO. 1512
A bill for AN ACT concerning finance.

HOUSE BILL NO. 1525
A bill for AN ACT concerning revenue.

HOUSE BILL NO. 1565
A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 1631
A bill for AN ACT concerning local government.

HOUSE BILL NO. 1935
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2022
A bill for AN ACT concerning civil law.

HOUSE BILL NO. 5417
A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 6881
A bill for AN ACT concerning criminal law.

Passed by the Senate, January 5, 2011.

Jillayne Rock, Secretary of the Senate

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4122
A bill for AN ACT concerning criminal law.

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

Senate Amendment No. 2 to HOUSE BILL NO. 4122

Passed the Senate, as amended, January 5, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 4122 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Registration Act is amended by changing Sections 2, 3, 3-5, and 7 as follows:

(730 ILCS 150/2) (from Ch. 38, par. 222)

Sec. 2. Definitions.

(A) As used in this Article, "sex offender" means any person who is:

(1) charged pursuant to Illinois law, or any substantially similar federal, Uniform Code

of Military Justice, sister state, or foreign country law, with a sex offense set forth in subsection (B) of this Section or the attempt to commit an included sex offense, and:

(a) is convicted of such offense or an attempt to commit such offense; or

(b) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(c) is found not guilty by reason of insanity pursuant to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(d) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(e) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(c) of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or

(f) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal, Uniform Code of Military Justice, sister state, or foreign country law substantially similar to Section 104-25(a) of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or

(2) certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(3) subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act; or

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law; or

(5) adjudicated a juvenile delinquent as the result of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law, or found guilty under Article V of the Juvenile Court Act of 1987 of committing or attempting to commit an act which, if committed by an adult, would constitute any of the offenses specified in item (B), (C), or (C-5) of this Section or a violation of any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law.

Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Article.

For purposes of this Section, "convicted" shall have the same meaning as "adjudicated".

(B) As used in this Article, "sex offense" means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

11-20.1 (child pornography),
11-20.3 (aggravated child pornography),
11-6 (indecent solicitation of a child),
11-9.1 (sexual exploitation of a child),
11-9.2 (custodial sexual misconduct),
11-9.5 (sexual misconduct with a person with a disability),
11-15.1 (soliciting for a juvenile prostitute),
11-18.1 (patronizing a juvenile prostitute),
11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-25 (grooming),
11-26 (traveling to meet a minor),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-15 (criminal sexual abuse),
12-16 (aggravated criminal sexual abuse),

12-33 (ritualized abuse of a child).

An attempt to commit any of these offenses.

(1.5) A violation of any of the following Sections of the Criminal Code of 1961, when the victim is a person under 18 years of age, the defendant is not a parent of the victim, and the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act ~~, and the offense was committed on or after January 1, 1996~~:

10-1 (kidnapping),

10-2 (aggravated kidnapping),

10-3 (unlawful restraint),

10-3.1 (aggravated unlawful restraint).

(1.6) First degree murder under Section 9-1 of the Criminal Code of 1961, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.7) (Blank).

(1.8) A violation or attempted violation of Section 11-11 (sexual relations within families) of the Criminal Code of 1961~~, and the offense was committed on or after June 1, 1997~~.

(1.9) Child abduction under paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose ~~and the offense was committed on or after January 1, 1998~~, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act.

(1.10) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 ~~when the offense was committed on or after July 1, 1999~~:

10-4 (forcible detention, if the victim is under 18 years of age), provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act,

11-6.5 (indecent solicitation of an adult),

11-15 (soliciting for a prostitute, if the victim is under 18 years of age),

11-16 (pandering, if the victim is under 18 years of age),

11-18 (patronizing a prostitute, if the victim is under 18 years of age),

11-19 (pimping, if the victim is under 18 years of age).

(1.11) A violation or attempted violation of any of the following Sections of the Criminal Code of 1961 ~~when the offense was committed on or after August 22, 2002~~:

11-9 (public indecency for a third or subsequent conviction).

(1.12) A violation or attempted violation of Section 5.1 of the Wrongs to Children Act (permitting sexual abuse) ~~when the offense was committed on or after August 22, 2002~~.

(2) A violation of any former law of this State substantially equivalent to any offense listed in subsection (B) of this Section.

(C) A conviction for an offense of federal law, Uniform Code of Military Justice, or the law of another state or a foreign country that is substantially equivalent to any offense listed in subsections (B), (C), (E), and (E-5) of this Section shall constitute a conviction for the purpose of this Article. A finding or adjudication as a sexually dangerous person or a sexually violent person under any federal law, Uniform Code of Military Justice, or the law of another state or foreign country that is substantially equivalent to the Sexually Dangerous Persons Act or the Sexually Violent Persons Commitment Act shall constitute an adjudication for the purposes of this Article.

(C-5) A person at least 17 years of age at the time of the commission of the offense who is convicted of first degree murder under Section 9-1 of the Criminal Code of 1961, against a person under 18 years of age, shall be required to register for natural life. A conviction for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (C-5) of this Section shall constitute a conviction for the purpose of this Article. ~~This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on August 20, 2004 (the effective date of Public Act 93-977).~~

(D) As used in this Article, "law enforcement agency having jurisdiction" means the Chief of Police in each of the municipalities in which the sex offender expects to reside, work, or attend school (1) upon his or her discharge, parole or release or (2) during the service of his or her sentence of probation or

conditional discharge, or the Sheriff of the county, in the event no Police Chief exists or if the offender intends to reside, work, or attend school in an unincorporated area. "Law enforcement agency having jurisdiction" includes the location where out-of-state students attend school and where out-of-state employees are employed or are otherwise required to register.

(D-1) As used in this Article, "supervising officer" means the assigned Illinois Department of Corrections parole agent or county probation officer.

(E) As used in this Article, "sexual predator" means any person who~~, after July 1, 1999,~~ is:

(1) Convicted for an offense of federal, Uniform Code of Military Justice, sister state, or foreign country law that is substantially equivalent to any offense listed in subsection (E) or (E-5) of this Section shall constitute a conviction for the purpose of this Article. Convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961~~, if the conviction occurred after July 1, 1999~~:

11-17.1 (keeping a place of juvenile prostitution),
11-19.1 (juvenile pimping),
11-19.2 (exploitation of a child),
11-20.1 (child pornography),
11-20.3 (aggravated child pornography),
12-13 (criminal sexual assault),
12-14 (aggravated criminal sexual assault),
12-14.1 (predatory criminal sexual assault of a child),
12-16 (aggravated criminal sexual abuse),
12-33 (ritualized abuse of a child);

(2) (blank);

(3) certified as a sexually dangerous person pursuant to the Sexually Dangerous Persons Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law;

(4) found to be a sexually violent person pursuant to the Sexually Violent Persons Commitment Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law;

(5) convicted of a second or subsequent offense which requires registration pursuant to this Act. ~~The conviction for the second or subsequent offense must have occurred after July 1, 1999.~~ For purposes of this paragraph (5), "convicted" shall include a conviction under any substantially similar Illinois, federal, Uniform Code of Military Justice, sister state, or foreign country law; ~~or~~

(6) convicted of a second or subsequent offense of luring a minor under Section 10-5.1 of the Criminal Code of 1961; or ~~.~~

(7) required to register in another State due to a conviction, adjudication or other action of any court triggering an obligation to register as a sex offender, sexual predator, or substantially similar status under the laws of that State.

(E-5) As used in this Article, "sexual predator" also means a person convicted of a violation or attempted violation of any of the following Sections of the Criminal Code of 1961:

(1) Section 9-1 (first degree murder, when the victim was a person under 18 years of age and the defendant was at least 17 years of age at the time of the commission of the offense, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act);

(2) Section 11-9.5 (sexual misconduct with a person with a disability);

(3) when the victim is a person under 18 years of age, the defendant is not a parent of the victim, the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act, and the offense was committed on or after January 1, 1996: (A) Section 10-1 (kidnapping), (B) Section 10-2 (aggravated kidnapping), (C) Section 10-3 (unlawful restraint), and (D) Section 10-3.1 (aggravated unlawful restraint); and

(4) Section 10-5(b)(10) (child abduction committed by luring or attempting to lure a child under the age of 16 into a motor vehicle, building, house trailer, or dwelling place without the consent of the parent or lawful custodian of the child for other than a lawful purpose and the offense was committed on or after January 1, 1998, provided the offense was sexually motivated as defined in Section 10 of the Sex Offender Management Board Act).

(F) As used in this Article, "out-of-state student" means any sex offender, as defined in this Section, or sexual predator who is enrolled in Illinois, on a full-time or part-time basis, in any public or private educational institution, including, but not limited to, any secondary school, trade or professional institution,

or institution of higher learning.

(G) As used in this Article, "out-of-state employee" means any sex offender, as defined in this Section, or sexual predator who works in Illinois, regardless of whether the individual receives payment for services performed, for a period of time of 10 or more days or for an aggregate period of time of 30 or more days during any calendar year. Persons who operate motor vehicles in the State accrue one day of employment time for any portion of a day spent in Illinois.

(H) As used in this Article, "school" means any public or private educational institution, including, but not limited to, any elementary or secondary school, trade or professional institution, or institution of higher education.

(I) As used in this Article, "fixed residence" means any and all places that a sex offender resides for an aggregate period of time of 5 or more days in a calendar year.

(J) As used in this Article, "Internet protocol address" means the string of numbers by which a location on the Internet is identified by routers or other computers connected to the Internet.

(Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08; 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff. 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11.)

(730 ILCS 150/3)

Sec. 3. Duty to register.

(a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include a current photograph, current address, current place of employment, the sex offender's or sexual predator's telephone number, including cellular telephone number, the employer's telephone number, school attended, all e-mail addresses, instant messaging identities, chat room identities, and other Internet communications identities that the sex offender uses or plans to use, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, extensions of the time period for registering as provided in this Article and, if an extension was granted, the reason why the extension was granted and the date the sex offender was notified of the extension. The information shall also include a copy of the terms and conditions of parole or release signed by the sex offender and given to the sex offender by his or her supervising officer, the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and any distinguishing marks located on the body of the sex offender. A sex offender convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. If the sex offender is a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961, the sex offender shall report to the registering agency whether he or she is living in a household with a child under 18 years of age who is not his or her own child, provided that his or her own child is not the victim of the sex offense. The sex offender or sexual predator shall register:

(1) with the chief of police in the municipality in which he or she resides or is temporarily domiciled for a period of time of 3 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she resides or is temporarily domiciled for a period of time of 3 or more days in an unincorporated area or, if incorporated, no police chief exists.

If the sex offender or sexual predator is employed at or attends an institution of higher education, he or she shall register:

(i) with the chief of police in the municipality in which he or she is employed at or attends an institution of higher education, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(ii) with the sheriff in the county in which he or she is employed or attends an institution of higher education located in an unincorporated area, or if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 3 or more days during any calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must notify, in person, the agency of jurisdiction of his or her last known address within 3 days after ceasing to

have a fixed residence.

A sex offender or sexual predator who is temporarily absent from his or her current address of registration for 3 or more days shall notify the law enforcement agency having jurisdiction of his or her current registration, including the itinerary for travel, in the manner provided in Section 6 of this Act for notification to the law enforcement agency having jurisdiction of change of address.

Any person who lacks a fixed residence must report weekly, in person, with the sheriff's office of the county in which he or she is located in an unincorporated area, or with the chief of police in the municipality in which he or she is located. The agency of jurisdiction will document each weekly registration to include all the locations where the person has stayed during the past 7 days.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 3 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence. A sex offender convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961 shall provide all Internet protocol (IP) addresses in his or her residence, registered in his or her name, accessible at his or her place of employment, or otherwise under his or her control or custody. The out-of-state student or out-of-state employee shall register:

(1) with the chief of police in the municipality in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in the county in which he or she attends school or is employed for a period of time of 5 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(a-10) Any law enforcement agency registering sex offenders or sexual predators in accordance with subsections (a) or (a-5) of this Section shall forward to the Attorney General a copy of sex offender registration forms from persons convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code of 1961, including periodic and annual registrations under Section 6 of this Act.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 3 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.1) A sex offender, as defined in Section 2 of this Act, or sexual predator who was not required to register under this Act before the effective date of this amendatory Act of the 96th General Assembly now has a duty to register. Any sex offender who on or after July 1, 2011 is on parole, mandatory supervised release, probation, or conditional discharge for a conviction for any felony offense or for a conviction for any misdemeanor offense under the Criminal Code of 1961 shall be notified of his or her duty to register as a sex offender by his or her supervising officer or as otherwise provided in Section 5 of this Act. The court or supervising officer shall require the person to read and sign such form as may be required by the Department of State Police stating that the duty to register and the procedure for registration have been explained to him or her and that he or she understands the duty to register and the procedure for registration. He or she shall register in person within 3 days after notification by his or her supervising officer or the court as provided in Section 6 of this Act. Any person unable to comply with the registration requirements of this amendatory Act of the 96th General Assembly because he or she is confined, institutionalized, or imprisoned in Illinois on or after the effective date of this amendatory Act of the 96th

General Assembly shall register in person within 3 days after discharge, parole, or release.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 3 days of notification of his or her requirement to register. Except as provided in subsection (c)(2.1), if ~~If~~ notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 3 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 3 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a $100 initial registration fee and a $100 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Thirty dollars for the initial registration fee and $30 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and $10 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board. Thirty dollars of the initial registration fee and $30 of the annual renewal fee shall be deposited into the Sex Offender Registration Fund and shall be used by the Department of State Police to maintain and update the Illinois State Police Sex Offender Registry. Thirty dollars of the initial registration fee and $30 of the annual renewal fee shall be deposited into the Attorney General Sex Offender Awareness, Training, and Education Fund. Moneys deposited into the Fund shall be used by the Attorney General to administer the I-SORT program and to alert and educate the public, victims, and witnesses of their rights under various victim notification laws and for training law enforcement agencies, State's Attorneys, and medical providers of their legal duties concerning the prosecution and investigation of sex offenses.

(d) Within 3 days after obtaining or changing employment and, if employed on January 1, 2000, within 5 days after that date, a person required to register under this Section must report, in person to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction.

(Source: P.A. 95-229, eff. 8-16-07; 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff. 8-21-08; 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11; 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff. 1-1-11; revised 9-2-10.)

(730 ILCS 150/3-5)

Sec. 3-5. Application of Act to adjudicated juvenile delinquents.

(a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court shall order the minor to register as a sex offender.

(b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration.

(c) For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, no less than 5 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for the termination of the term of registration. For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a misdemeanor, no less than 2 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for termination of the term of registration.

(d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e). Notwithstanding any other provisions of this Act to the contrary, no registrant whose registration has been terminated under this Section shall be required to register under the provisions of this Act for the offense or offenses which were the subject of the successful petition for termination of registration. This exemption shall apply only to those offenses which were the subject of the successful petition for termination of registration, and shall not apply to any other or subsequent offenses requiring registration under this Act.

(e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors:

(1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board;

(2) the sex offender history of the adjudicated juvenile delinquent;

(3) evidence of the adjudicated juvenile delinquent's rehabilitation;

(4) the age of the adjudicated juvenile delinquent at the time of the offense;

(5) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history;

(6) victim impact statements; and

(7) any other factors deemed relevant by the court.

(f) At the hearing set forth in subsections (c) and (d), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment.

(g) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information shall be removed from all State and local registries.

(h) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General Assembly, a person adjudicated delinquent before the effective date of this amendatory Act of the 95th General Assembly may request a hearing regarding status of registration by filing a Petition Requesting Registration Status with the clerk of the court. Upon receipt of the Petition Requesting Registration Status, the clerk of the court shall provide notice to the parties and set the Petition for hearing pursuant to subsections (c) through (e) of this Section.

(i) This Section does not apply to minors prosecuted under the criminal laws as adults.

(Source: P.A. 95-658, eff. 10-11-07.)

(730 ILCS 150/7) (from Ch. 38, par. 227)

Sec. 7. Duration of registration. A person who has been adjudicated to be sexually dangerous and is later released or found to be no longer sexually dangerous and discharged, shall register for the period of his or her natural life. A sexually violent person or sexual predator shall register for the period of his or her natural life after conviction or adjudication or after the effective date of this amendatory Act of the 96th General Assembly if the sexually violent person or sexual predator was not required to register before the effective date of this amendatory Act of the 96th General Assembly if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility. A person who has not been adjudicated to be sexually dangerous or who is not a sexually violent person or sexual predator and who is required to register under this Article as a result of this amendatory Act of the 96th General Assembly shall register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital, or other institution or facility, and if confined, for a period of 10 years after parole, discharge, or release from any such facility. However, this provision shall only revive the period of registration of any person who was previously registered as a sex offender and who successfully completed his or her period of registration prior to the effective date of this amendatory Act of the 96th General Assembly if he or she is convicted of any felony offense, or convicted of any misdemeanor offense under the Criminal Code of 1961, after July 1, 2011. A person who becomes subject to registration under this Article who has previously been subject to registration under this Article or under the Child Murderer and Violent Offender Against Youth Registration Act or similar registration requirements of other jurisdictions shall register for the period of his or her natural life if not confined to a penal institution, hospital, or other institution or facility, and if confined, for the period of his or her natural life after parole, discharge, or release from any such facility.

Any other person who is required to register under this Article shall be required to register for a period of 10 years after conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility, and if confined, for a period of 10 years after parole, discharge or release from any such facility. A sex offender who is allowed to leave a county, State, or federal facility for the purposes of work release, education, or overnight visitations shall be required to register within 3 days of beginning such a program. Liability for registration terminates at the expiration of 10 years from the date of conviction or adjudication if not confined to a penal institution, hospital or any other institution or facility and if confined, at the expiration of 10 years from the date of parole, discharge or release from any such facility, providing such person does not, during that period, again become liable to register under the provisions of this Article. Reconfinement due to a violation of parole, a conviction reviving registration, or other circumstances that relates to the original conviction or adjudication shall extend the period of registration to 10 years after final parole, discharge, or release. Reconfinement due to a violation of parole or other circumstances that do not relate to the original conviction or adjudication shall toll the running of the balance of the 10-year period of registration, which shall not commence running until after final parole, discharge, or release. The Director of State Police, consistent with administrative rules, shall extend for 10 years the registration period of any sex offender, as defined in Section 2 of this Act, who fails to comply with the provisions of this Article. The registration period for any sex offender who fails to comply with any provision of the Act shall extend the period of registration by 10 years beginning from the first date of registration after the violation. If the registration period is extended, the Department of State Police shall send a registered letter to the law enforcement agency where the sex offender resides within 3 days after the extension of the registration period. The sex offender shall report to that law enforcement agency and sign for that letter. One copy of that letter shall be kept on file with the law enforcement agency of the jurisdiction where the sex offender resides and one copy shall be returned to the Department of State Police.

(Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 95-169, eff. 8-14-07; 95-331, eff. 8-21-07; 95-513, eff. 6-1-08; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 4122 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Rock, Secretary:

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

HOUSE BILL 476

A bill for AN ACT concerning revenue.

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

Senate Amendment No. 1 to HOUSE BILL NO. 476

Senate Amendment No. 2 to HOUSE BILL NO. 476

Passed the Senate, as amended, January 5, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 476 by replacing everything after the enacting clause with the following:

"Section 15. The Property Tax Code is amended by changing Section 1-130 as follows:

(35 ILCS 200/1-130)

Sec. 1-130. Property; real property; real estate; land; tract; lot.

(a) The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal, and other minerals in the land and the right to remove oil, gas and other minerals, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by this Code. Not included therein are low-income housing tax credits authorized by Section 42 of the Internal Revenue Code, 26 U.S.C. 42.

(b) Notwithstanding any other provision of law, mobile homes and manufactured homes that (i) are located outside of mobile home parks and (ii) are taxed under the Mobile Home Local Services Tax Act during the tax year ending on December 31, 2010 ~~on the effective date of this amendatory Act of the 96th General Assembly~~ shall continue to be taxed under the Mobile Home Local Services Tax Act and shall not be classified, assessed, and taxed as real property until the home is sold or transferred or until the home is relocated to a different parcel of land outside of a mobile home park. If a mobile home described in this subsection (b) is sold, transferred, or relocated to a different parcel of land outside of a mobile home park, then the home shall be classified, assessed, and taxed as real property. Mobile homes and manufactured homes that are located outside of mobile home parks and are classified, assessed, and taxed as real property during the tax year ending on December 31, 2010 ~~on the effective date of this amendatory Act of the 96th General Assembly~~ shall continue to be classified, assessed, and taxed as real property. If a mobile or manufactured home that is located outside of a mobile home park is relocated to a mobile home park, it must be considered chattel and must be taxed according to the Mobile Home Local Services Tax Act. The owner of a mobile home or manufactured home that is located outside of a mobile home park may file a request with the county assessor that the home be classified, assessed, and taxed as real property. A mobile home that is required to be taxed as real property must be taxed as real property regardless of whether or not a certificate of title has been issued with respect to that mobile home.

(c) Mobile homes and manufactured homes that are located in mobile home parks must be considered chattel and must be taxed according to the Mobile Home Local Services Tax Act. A mobile home or manufactured home that is located in a mobile home park may not be taxed as real property until the mobile home or manufactured home is relocated to a different parcel of land outside of a mobile home park.

(d) If the provisions of this Section conflict with the Illinois Manufactured Housing and Mobile Home Safety Act, the Mobile Home Local Services Tax Act, the Mobile Home Park Act, or any other provision of law with respect to the taxation of mobile homes or manufactured homes located outside of mobile home parks, the provisions of this Section shall control.

(Source: P.A. 96-1477, eff. 1-1-11.)

Section 20. The Mobile Home Local Services Tax Act is amended by changing Sections 1 and 4 as follows:

(35 ILCS 515/1) (from Ch. 120, par. 1201)

Sec. 1. (a) Except as provided in subsections (b) and (c), as used in this Act, "manufactured home" means a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for year-round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles. Mobile homes and manufactured homes in mobile home parks must be assessed and taxed as chattel. Mobile homes and manufactured homes outside of mobile home parks must be assessed and taxed as real property. The words "mobile home" and "manufactured home" are synonymous for the purposes of this Act. Any such structure located outside of a mobile home park shall not be construed as chattel, but must be assessed and taxed as real property as defined by Section 1-130 of the Property Tax Code. All mobile homes located inside mobile home parks must be considered as chattel and taxed according to this Act. Mobile homes located on a dealer's lot for resale purposes or as a temporary office shall not be subject to this tax.

(b) Mobile homes and manufactured homes that (i) are located outside of mobile home parks and (ii) are taxed under this Act during the tax year ending on December 31, 2010 ~~on the effective date of this amendatory Act of the 96th General Assembly~~ must continue to be taxed under this Act and shall not be classified, assessed, and taxed as real property until the home is sold, transferred, or relocated to a different parcel of land outside of a mobile home park. If a mobile home described in this subsection (b) is sold, transferred, or relocated to a different parcel of land outside of a mobile home park, then the home must be classified, assessed, and taxed as real property. Mobile homes and manufactured homes that are located outside of mobile home parks and are classified, assessed, and taxed as real property during the tax year ending on December 31, 2010 ~~on the effective date of this amendatory Act of the 96th General Assembly~~

must continue to be classified, assessed, and taxed as real property. If a mobile or manufactured home that is located outside of a mobile home park is relocated to a mobile home park, the home must be considered chattel and must be taxed according to the Mobile Home Local Services Tax Act. The owner of a mobile home or manufactured home that is located outside of a mobile home park may file a request with the county assessor that the home be classified, assessed, and taxed as real property.

(c) Mobile homes and manufactured homes that are located in mobile home parks must be considered chattel and must be taxed according to this Act. A mobile home or manufactured home that is located in a mobile home park may not be taxed as real property until the mobile home or manufactured home is relocated to a different parcel of land outside of a mobile home park.

(Source: P.A. 96-1477, eff. 1-1-11.)

(35 ILCS 515/4) (from Ch. 120, par. 1204)

Sec. 4. The owner of each inhabited mobile home located in this State, but not located inside of a mobile home park, on the effective date of this amendatory Act of the 96th General Assembly shall, within 30 days after such date, file with the township assessor, if any, or with the Supervisor of Assessments or county assessor if there is no township assessor, or with the county assessor in those counties in which a county assessor is elected pursuant to Section 3-45 of the Property Tax Code, a mobile home registration form containing the information hereinafter specified ~~and record a signed copy of the title or certificate of origin in the county where the home is located or surrender the signed title or certificate of origin to be held by the county until such time as the home is to be removed from the county~~. Mobile home park operators shall forward a copy of the mobile home registration form provided in Section 12 of "An Act to provide for, license and regulate mobile homes and mobile home parks and to repeal an Act named herein", approved September 8, 1971, as amended, to the township assessor, if any, or to Supervisor of Assessments or county assessor if there is no township assessor, or to the county assessor in those counties in which a county assessor is elected pursuant to Section 3-45 of the Property Tax Code, within 5 days of the entry of a mobile home into such park. The owner of a mobile home not located in a mobile home park shall, within 30 days after initial placement of such mobile home in any county and within 30 days after movement of such mobile home to a new location, file with the county assessor, Supervisor of Assessments or township assessor, as the case may be, a mobile home registration showing the name and address of the owner and every occupant of the mobile home, the location of the mobile home, the year of manufacture, and the square feet of floor space contained in such mobile home together with the date that the mobile home became inhabited, was initially installed and set up in the county, or was moved to a new location. Such registration shall also include the license number of such mobile home and of the towing vehicle, if there be any, and the State issuing such licenses. In the case of a mobile home not located in a mobile home park, the registration shall be signed by the owner or occupant of the mobile home ~~and the title or certificate of origin shall be signed and recorded in the county where the home is located or surrendered to the county and held until such time the home is removed from the county. Titles or certificates of origin held by a mortgage company on the home shall be signed and recorded in the county where located or surrendered to the county once the mortgage is released. Failure to record or surrender the title or certificate of origin shall not prevent the home from being assessed and taxed as real property~~. It is the duty of each township assessor, if any, and each Supervisor of Assessments or county assessor if there is no township assessor, or the county assessor in those counties in which a county assessor is elected pursuant to Section 3-45 of the Property Tax Code, to require timely filing of a properly completed registration for each mobile home located in his or her township or county, as the case may be. Any person furnishing misinformation for purposes of registration or failing to file a required registration is guilty of a Class A misdemeanor. This Section applies only when the tax permitted by Section 3 has been imposed on mobile homes located inside mobile home parks.

(Source: P.A. 96-1477, eff. 1-1-11.)

Section 25. The Manufactured Home Installation Act is amended by changing Section 10 as follows:

(35 ILCS 517/10)

Sec. 10. Installation requirements; classification as real property.

(a) Except as provided in subsection (b), a mobile home or manufactured home installed on private property that is not in a mobile home park on or after the effective date of this Act must be installed in accordance with the manufacturer's instructions and classified, assessed, and taxed as real property.

(b) Mobile homes and manufactured homes that (i) are located outside of mobile home parks and (ii) are taxed under the Mobile Home Local Services Tax Act on the effective date of this Act must continue to be taxed under the Mobile Home Local Services Tax Act and shall not be classified, assessed, and taxed as real property until the home is sold or transferred or until the home is relocated to a different parcel of land

outside of a mobile home park. If a mobile home described in this subsection (b) is sold, transferred, or relocated to a different parcel of land outside of a mobile home park, then the home shall be classified, assessed, and taxed as real property. Mobile homes and manufactured homes that are classified, assessed, and taxed as real property on the effective date of this Act shall continue to be classified, assessed, and taxed as real property. The owner of a mobile home or manufactured home that is located outside of a mobile home park may file a request with the county assessor ~~Department of Revenue~~ that the home be classified, assessed, and taxed as real property.

(c) Mobile homes and manufactured homes that are located in mobile home parks must be taxed according to the Mobile Home Local Services Tax Act.

(Source: P.A. 96-1477, eff. 1-1-11.)

Section 30. The Abandoned Mobile Home Act is amended by changing Section 10 as follows:

(210 ILCS 117/10)

Sec. 10. Definitions.

"Manufactured home" means a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for year-round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles.

"Abandoned mobile home" means a mobile home inside a mobile home park that has no owner currently residing in the mobile home or authorized tenant of the owner currently residing in the mobile home to the best knowledge of the municipality; has had its electricity, natural gas, sewer, and water payments declared delinquent by the utility companies that are providing such services; and for which the Mobile Home Privilege Tax, imposed under the Mobile Home Local Services Tax Act, is delinquent for at least 3 months. A mobile home abandoned outside of a mobile home park must be treated like other real property for condemnation purposes.

"Municipality" means any city, village, incorporated town, or its duly authorized agent. If an abandoned mobile home is located in an unincorporated area, the county where the mobile home is located shall have all powers granted to a municipality under this Act.

(Source: P.A. 96-1477, eff. 1-1-11.)

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

AMENDMENT NO. 2 . Amend House Bill 476, AS AMENDED, by inserting Sections 5 and 10 in their proper numeric sequence as follows:

"Section 5. The Use Tax Act is amended by adding Section 3-3 as follows:

(35 ILCS 105/3-3 new)

Sec. 3-3. Mobile home sales. Beginning January 1, 2011, the tax imposed under this Act on new mobile homes or new manufactured homes to be located outside of a mobile home park shall be calculated against 40% of the selling price of the home and against 100% of the selling price of any other building materials used in the installation and set up of the home. This provision does not change the current calculation of the use tax for new mobile homes or manufactured homes to be located inside of a mobile home park. There shall be no use tax on the resale of mobile homes or manufactured homes located outside or inside mobile home parks.

Section 10. The Retailers' Occupation Tax Act is amended by adding Section 5m as follows:

(35 ILCS 120/5m new)

Sec. 5m. Mobile home sales. Beginning January 1, 2011, the tax imposed under this Act on new mobile homes or new manufactured homes to be located outside of a mobile home park shall be calculated against 40% of the selling price of the home and against 100% of the selling price of any other building materials used in the installation and set up of the home. This provision does not change the current calculation of the

retailers' occupation tax for new mobile homes or manufactured homes to be located inside of a mobile home park. There shall be no retailers' occupation tax on the resale of mobile homes or manufactured homes located outside or inside mobile home parks.".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 476 was placed on the Calendar on the order of Concurrence.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Howard became the new principal sponsor of HOUSE BILL 1515.

HOUSE RESOLUTION

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

HOUSE RESOLUTION 1575

Offered by Representative Cross:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Rules of the House of Representatives of the 96th General Assembly are amended by changing Rules 4, 9, 15, 16, 18, 19, 21, 22, 31, 37, 39, 40, 43, 44, 75, and 102 and by adding Rules 42.1 and 76.5 as follows:

(House Rule 4)

4. The Speaker.

(a) The Speaker has those powers conferred upon him or her by the Constitution, the laws of Illinois, and any motions or resolutions adopted by the House or jointly by the House and Senate.

(b) Except as otherwise provided by law, the Speaker is the chief administrative officer of the House and has those powers necessary to carry out those functions. The Speaker may delegate administrative duties as he or she deems appropriate.

(c) The duties of the Speaker include the following:

(1) To preside at all sessions of the House, although the Speaker may call on any member to preside temporarily as Presiding Officer.

(2) To open the session at the time at which the House is to meet by taking the chair and calling the members to order. The Speaker may call on any member to open the session as Presiding Officer.

(3) To announce the business before the House in the order upon which it is to be acted, except as limited by these House Rules.

The Presiding Officer shall perform this duty during the period that he or she is presiding.

(4) To recognize those members entitled to the floor.

(5) To state and put to a vote all questions that are regularly moved or that necessarily arise in the course of the proceedings, and to announce the result of the vote.

(6) To preserve order and decorum.

(7) To decide all points of order, subject to appeal, and to speak on these points in preference to other members.

(8) To inform the House when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.

(9) To sign or authenticate all acts, proceedings, or orders of the House. All writs, warrants, and subpoenae issued by order of the House, or any of its committees, shall be signed by the Speaker and attested by the Clerk.

(10) To sign all bills passed by both chambers of the General Assembly to certify that the procedural requirements for passage have been met.

(11) To have general supervision of the House Chamber, House galleries, House committee rooms and chapel, and adjoining and connecting hallways and passages, including the duty to protect

their security and safety and the power to clear them when necessary. The House Chamber shall not be used without permission of the Speaker.

(12) To have general supervision of the Clerk and his or her assistants, the Doorkeeper and his or her assistants, the majority caucus staff, the parliamentarians, and all employees of the House except the minority caucus staff.

(13) To determine the number of majority caucus members and minority caucus members to be appointed to all committees, except the Rules Committee created by Rule 15 and those committees that may be created under Article XII of these Rules.

(14) To appoint all Chairpersons, Co-Chairpersons, and Vice-Chairpersons of committees (from either the majority or minority caucus), and to appoint all majority caucus members of committees.

(15) To enforce all constitutional provisions, statutes, rules, and regulations applicable to the House.

(16) To guide and direct the proceedings of the House subject to the control and will of the members.

(17) To direct the Clerk to correct non-substantive errors in the Journal.

(18) To assign meeting places and meeting times to committees and subcommittees.

(19) To perform any other duties assigned to the Speaker by these House Rules or jointly by the House and Senate.

(20) To decide, subject to <u>these House Rules and</u> the control and will of the members, all questions relating to the priority of business.

(21) To issue, in cooperation with the Comptroller and after clearance with the United States Internal Revenue Service, written regulations covering administration of contingent expense allowances of members of the House.

(22) To appoint one or more parliamentarians to serve at the pleasure of the Speaker.

(d) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 9)

9. Schedule.

(a) The Speaker shall periodically establish a schedule of days on which the House shall convene in regular, perfunctory, and veto session, with that schedule subject to revision at the discretion of the Speaker.

(b) The Speaker may schedule or reschedule deadlines at his or her discretion for any action on any category of legislative measure as the Speaker deems appropriate, including deadlines for the following legislative actions:

(1) Final day to request bills from the Legislative Reference Bureau.

(2) Final day for introduction of bills.

(3) Final day for standing committees of the House to report House bills, except House appropriation bills.

(4) Final day for standing committees of the House to report House appropriation bills.

(5) Final day for Third Reading and passage of House bills, except House appropriation bills.

(6) Final day for Third Reading and passage of House appropriation bills.

(7) Final day for standing committees of the House to report Senate appropriation bills.

(8) Final day for standing committees of the House to report Senate bills, except appropriation bills.

(9) Final day for special committees to report to the House.

(10) Final day for Third Reading and passage of Senate appropriation bills.

(11) Final day for Third Reading and passage of Senate bills, except appropriation bills.

(12) Final day for consideration of joint action motions and conference committee reports.

<u>Deadlines do not apply to legislative measures on the Petition Calendar.</u>

(c) The Speaker may schedule or reschedule any necessary deadlines for legislative action during any special session of the House. The Speaker may establish a Weekly Order of Business or a Daily Order of Business setting forth the date and approximate time at which specific legislative measures may be considered by the House. The Weekly Order of Business or Daily Order of Business is effective upon being

filed by the Speaker with the Clerk and takes the place of the standing order of business for the amount of time necessary for its completion. Nothing in this Rule~~, however,~~ limits the Speaker's or Presiding Officer's powers under Rule 4(c)(3) or Rule 43(a) ; however, this Rule is subject to the limitations of Rule 31.

(d) The foregoing deadlines, or any revisions to those deadlines, are effective upon being filed by the Speaker with the Clerk. The Clerk shall journalize those deadlines.

(e) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 15)

15. Rules Committee.

(a) The Rules Committee is created as a permanent committee. The Rules Committee shall consist of 5 members, 3 appointed by the Speaker and 2 appointed by the Minority Leader. The Speaker and the Minority Leader are each eligible to be appointed to the Rules Committee. The Rules Committee may conduct business when a majority of the total number of its members has been appointed.

(b) The majority caucus members of the Rules Committee shall serve at the pleasure of the Speaker, and the minority caucus members shall serve at the pleasure of the Minority Leader. Appointments shall be by notice filed with the Clerk, and shall be effective for the balance of the term or until a replacement appointment is made, whichever first occurs. Appointments take effect upon filing with the Clerk, regardless of whether the House is in session. Notwithstanding any other provision of these Rules, any Representative who is replaced on the Rules Committee may be re-appointed to the Rules Committee without concurrence of the House.

(c) The Rules Committee shall not consider or conduct a hearing with respect to a subject matter or a legislative measure absent notice first being given as follows:

(1) One hour advance notice for the consideration of any floor amendment, joint action motion for final action, conference committee report, or motion to table a committee amendment.

(2) Seventy-two hours advance notice to consider the referral of bills to committees of the House or joint committees of the House and Senate.

(3) Twenty-four hours advance notice for hearings held for purposes not specified in items (1) and (2) of this subsection (c).

(c-1) The Chairperson of the Rules Committee shall post the notice required under subsection (c) on the House bulletin board identifying each subject matter and each legislative measure that may be considered during the hearing. The notice shall contain the day, hour, and place of the hearing. This subsection may not be suspended.

(c-2) The posting requirements of items (2) and (3) of subsection (c) of this Rule may be reduced to a one-hour advance notice upon the adoption of a motion by 71 members elected. The posting requirement of item (1) of subsection (c) of this Rule may not be suspended.

Notice requirements for hearings may be suspended only as authorized by this subsection, and no hearing shall be conducted with less than a one-hour advance notice. This subsection may not be suspended. ~~Notwithstanding any other provision of these Rules, the Rules Committee may meet upon reasonable public notice that includes a statement of the subjects to be considered. All legislative measures pending before the Rules Committee are eligible for consideration at any of its meetings, and all of those legislative measures are deemed posted for hearing by the Rules Committee for all of its meetings.~~

(d) Upon concurrence of a majority of those appointed, the Rules Committee may advance any legislative measure pending before it to the House, without referral to another committee; except that (i) the Rules Committee ~~, however,~~ shall not so report any bill that has never been favorably reported by or discharged from a standing committee or a special committee of the House or recommended for action by a joint committee of the House and Senate and (ii) a two-thirds vote of those appointed to the Rules Committee shall be required to refer to the House any floor amendment, joint action motion for final action, conference committee report, or motion to table a committee amendment. A bill advanced to the House shall be placed on the Daily Calendar on the order on which it appeared before it was re-referred to the Rules Committee.

(e) Except for those provisions that cannot be suspended, this ~~This~~ Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 16)

16. Referrals of Resolutions and Reorganization Orders.

(a) All resolutions, except adjournment resolutions and resolutions considered under subsection (b) or (c) of this Rule, after being initially read by the Clerk, shall be ordered reproduced and automatically referred

to the Rules Committee, which may thereafter refer any resolution before it to the House or to a standing committee or special committee. No resolution, except adjournment resolutions and resolutions considered under subsection (b) or (c) of this Rule, may be considered by the House unless (i) referred to the House by the Rules Committee under Rule 18, (ii) favorably reported by a standing committee or special committee, (iii) authorized under Article XII, or (iv) discharged from committee pursuant to Rule 18(g) or Rule 58. An adjournment resolution is subject to Rule 66.

(b) Any member may file a congratulatory or death resolution for consideration by the House. The Principal Sponsor of each congratulatory or death resolution shall pay a reasonable fee, determined by the Clerk with the approval of the Speaker, to offset the actual cost of producing the congratulatory or death resolution. The fee may be paid from the office allowance provided by Section 4 of the General Assembly Compensation Act, or from any other funds available to the member. Upon agreement of the Speaker and the Minority Leader, congratulatory or death resolutions may be immediately considered and adopted by the House without referral to the Rules Committee, unless a member removes a resolution from consideration under this subsection (b) by filing an objection with the Clerk before the vote of the House. Any resolution that is removed under this subsection (b) shall be automatically referred to the Rules Committee and shall be eligible for consideration under subsection (a). The remaining ~~Those~~ resolutions , not removed from consideration under this subsection (b), may be adopted as a group by a single motion. Congratulatory and death resolutions shall be entered on the Journal only by number, sponsorship, and subject. The provisions of this subsection requiring the Principal Sponsor to pay a reasonable fee may not be suspended.

(c) Death resolutions in memory of former members of the General Assembly and former constitutional officers, upon introduction, may be immediately considered by the House without referral to the Rules Committee. Those resolutions shall be entered on the Journal in full.

(d) Executive reorganization orders of the Governor issued under Article V, Sec. 11 of the Constitution, upon being read into the record by the Clerk, are automatically referred to the Rules Committee for its referral to a standing committee or a special committee, which may issue a recommendation to the House with respect to the Executive Order. The House may disapprove of an Executive Order only by resolution adopted by a majority of those elected; no such resolution is in order until a standing committee or a special committee has reported to the House on the executive reorganization, or until the Executive Order has been discharged under Rule 58.

(Source: H.R. 45, 96th G.A.)

(House Rule 18)

18. Referrals to Committees.

(a) All House Bills and Senate Bills, after being initially read by the Clerk, are automatically referred to the Rules Committee.

(b) During odd-numbered years, the Rules Committee shall thereafter refer any such bill before it to a standing committee or a special committee within 3 legislative days, provided that referral shall not be required for a House bill that is introduced after the introduction deadline for House bills or a Senate bill that is referred to the Rules Committee after the deadline for House committee consideration of Senate bills. During even-numbered years, the Rules Committee shall refer to a standing committee or a special committee only appropriation bills implementing the budget and bills deemed by the Rules Committee, by the affirmative vote of a majority appointed, to be of an emergency nature or to be of substantial importance to the operation of government. This subsection (b) applies equally to House Bills and Senate Bills introduced into or received by the House.

(b-5) Notwithstanding subsection (b), the Rules Committee may refer bills to a joint committee of the House and Senate created by joint resolution. That joint committee shall report back to the Rules Committee any recommendation for action made by that joint committee. The Rules committee may, at any time, however, refer the bill to a standing or special committee of the House.

(c) A standing committee or a special committee may refer a subject matter or a legislative measure pending in that committee to a subcommittee of that committee.

(d) All legislative measures favorably reported by a standing committee or a special committee, or discharged from a standing committee or a special committee under Rule 58, shall be referred to the House and placed on the appropriate order of business, which shall appear on the daily calendar. All legislative measures, except bills or resolutions on the Consent Calendar, bills or resolutions assigned short debate status by a standing committee or special committee, and floor amendments, so referred are automatically assigned standard debate status, subject to Rule 52.

(e) All floor amendments, joint action motions for final action, conference committee reports, and

motions to table committee amendments, upon filing with the Clerk, are automatically referred to the Rules Committee. The Rules Committee may refer any floor amendment, joint action motion for final action, conference committee report, or motion to table a committee amendment to the House or to a standing committee or a special committee for its review and consideration (in those instances, and notwithstanding any other provision of these Rules, the standing committee or special committee may hold a hearing on and consider those legislative measures pursuant to ~~a one hour~~ advance notice given no later than the calendar day before the date of the hearing). Any floor amendment, joint action motion for final action, conference committee report, or motion to table a committee amendment that is not referred to the House by, or discharged from, the Rules Committee is out of order, except that any floor amendment, joint action motion for final action, conference committee report, or motion to table a committee amendment favorably reported by, or discharged from, a standing committee or a special committee is deemed referred to the House by the Rules Committee for purposes of this Rule. All joint action motions for final action, conference committee reports and motions to table committee amendments so referred are automatically assigned standard debate status, subject to Rule 52. Floor amendments referred to the House under this Rule are automatically assigned amendment debate status.

(f) The Rules Committee may at any time refer or re-refer a legislative measure from a committee to a Committee of the Whole or to any other committee.

(g) Legislative measures may be discharged from the Rules Committee upon the affirmative vote of 71 members elected ~~only by unanimous consent of the House~~. Any bill discharged from the Rules Committee shall be placed on the order of Second Reading and assigned standard debate status, subject to Rule 52.

(h) Except for those provisions that require unanimous consent, this Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 19)

19. Re-Referrals to the Rules Committee.

(a) All legislative measures that fail to meet the applicable deadline established under Rule 9 for reporting to the House by a standing committee or a special committee, for Third Reading and passage, or for consideration of joint action motions and conference committee reports are automatically re-referred to the Rules Committee unless: (i) the deadline has been suspended or revised by the Speaker, with re-referral to the Rules Committee to occur if the bill has not been reported to the House in accordance with a revised deadline; ~~or~~ (ii) the Rules Committee has issued a written exception to the Clerk with respect to a particular bill before the reporting deadline, with re-referral to occur, if at all, in accordance with the written exception ; or (iii) the bill or resolution is pending before the House on the Petition Calendar.

(b) All legislative measures pending before the House or any of its committees are automatically re-referred to the Rules Committee on the 31st consecutive day that the House has not convened for session unless: (i) any deadline applicable to the bill or resolution that has been designated by the Speaker under Rule 9 exceeds 31 days, with re-referral to occur, if at all, in accordance with that deadline; (ii) this Rule is suspended under Rule 67; ~~or~~ (iii) the Rules Committee, by the affirmative vote of a majority appointed, issues a written exception to the Clerk before that 31st day ; or (iv) the bill or resolution is pending before the House on the Petition Calendar.

(Source: H.R. 45, 96th G.A.)

(House Rule 21)

21. Notice.

(a) Except as provided in Rule 18(e) or unless this Rule is suspended under Rule 67 or unless the Rules Committee by majority vote waives the notice requirement for a subject matter hearing of any committee, standing committees, special committees, committees created under Article X of these Rules, and subcommittees of those committees shall not consider or conduct a hearing with respect to a subject matter or a legislative measure absent notice first being given as follows:

(1) The Chairperson of the committee, or the Co-Chairperson from the majority caucus of a standing or special committee, shall, no later than 6 days before any proposed hearing, post a notice on the House bulletin board identifying each subject matter and each legislative measure, other than a committee amendment upon initial consideration under Rule 40, that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. Legislative measures and subject matters posted for hearing as provided in this item (1) may also be considered at any committee hearing re-convened following a recess of the committee for which notice was posted, but only if the House has met or was scheduled to meet in regular, veto, or special session on each calendar day from the time of the original committee hearing to the re-convened committee hearing.

(2) Meetings of the Rules Committee may be called under Rule 15; meetings of the standing committees and special committees to consider floor amendments, joint action motions for final action ~~consideration~~, conference committee reports, and motions to table committee amendments may be called under Rule 18.

(3) The Chairperson, or Co-Chairperson from the majority caucus of a standing or special committee, shall, in advance of a committee hearing, notify all Principal Sponsors of legislative measures posted for that hearing of the date, time, and place of hearing. When practical, the Clerk shall include a notice of all scheduled hearings, together with all posted bills and resolutions, in the Daily Calendar of the House. Regardless of whether a particular legislative measure or subject matter has been posted for hearing, it is in order for a committee during any of its meetings to refer a subject matter or legislative measure pending before it to a subcommittee of that committee.

(b) Other than the Rules Committee, no committee may meet during any session of the House, and no commission created by Illinois law that has legislative membership may meet during any session of the House.

(c) Each standing appropriations committee shall meet at least once during each month of the calendar year. When the House is not in session, each standing appropriations committee shall hold each month at least one hearing in Illinois at a location other than the City of Springfield or the City of Chicago.

(d) ~~(c)~~ Regardless of whether notice has been previously given, it is always in order for a committee to table any legislative measure pending before it when the Principal Sponsor so requests, subject to Rule 60.

(e) ~~(d)~~ This Rule may be suspended only by the affirmative vote of 71 members elected, subject to Rule 25.

(Source: H.R. 45, 96th G.A.)

(House Rule 22)

22. Committee Procedure.

(a) A committee may consider any legislative measure referred to it, except as provided in subsection (b), and may make with respect to that legislative measure one of the following reports to the House or to the parent committee, as appropriate:

(1) that the bill "do pass";

(2) that the bill "do not pass";

(3) that the bill "do pass as amended";

(4) that the bill "do not pass as amended";

(5) that the resolution "be adopted";

(6) that the resolution "be not adopted";

(7) that the resolution "be adopted as amended";

(8) that the resolution "be not adopted as amended";

(9) that the floor amendment, joint action motion, conference committee report, or motion to table a committee amendment referred by the Rules Committee "be adopted";

(10) that the floor amendment, joint action motion, conference committee report, or motion to table a committee amendment referred by the Rules Committee "be not adopted";

(11) "without recommendation"; or

(12) "tabled".

Any of the foregoing reports may be made only upon the concurrence of a majority of those appointed. All legislative measures reported "do pass", "do pass as amended", "be adopted", or "be adopted as amended" are favorably reported to the House. Except as otherwise provided by these Rules, any legislative measure referred or re-referred to a committee and not reported under this Rule shall remain in that committee.

(b) No bill or committee amendment that provides for an appropriation of money from the State Treasury may be considered by an Appropriations Committee unless the bill or committee amendment is limited to appropriations to a single department, office, or institution; this provision does not apply to floor amendments, joint action motions, or conference committee reports.

No bill that provides for an appropriation of money from the State Treasury may be considered for passage by the House unless it has first been favorably reported by an Appropriations Committee or:

(1) the bill was discharged from an Appropriations Committee under Rule 58;

(2) the bill was exempted from this requirement by a majority of those appointed to the Rules Committee; or

(3) this Rule was suspended under Rule 67.

Standing appropriations committees shall conduct hearings for the purpose of reviewing (i) performance

data compiled by departments of State government pursuant to Section 50-15 of the State Budget Law of the Civil Administrative Code of Illinois and (ii) other performance data that is requested by the committees from departments of State government and other recipients of State appropriations.

(c) The Chairperson of each committee, or Co-Chairperson from the majority caucus of a standing or special committee, shall keep, or cause to be kept by the Clerk's Office, a record in which there shall be entered:

(1) The time and place of each meeting of the committee.

(2) The attendance of committee members at each meeting.

(3) The votes cast by the committee members on all legislative measures acted on by the committee.

(4) The "Record of Committee Witness" forms executed by each person appearing or registering in each committee meeting, which shall include identification of the witness, the person, group, or firm represented by appearance and the capacity in which the representation is made (if the person is representing someone other than himself or herself), his or her position on the legislation under consideration, and the nature of his or her desired testimony.

(5) An audio recording of the proceedings.

(6) Such additional information as may be requested by the Clerk.

(d) The committee Chairperson, or the Co-Chairperson from the majority caucus of a standing or special committee, shall file with the Clerk, along with every legislative measure reported upon, a written report containing such information as required by the Clerk. The Clerk may adopt forms, policies, and procedures with respect to the preparation, filing, and maintenance of the reports.

(e) When a committee fails to report a legislative measure pending before it to the House, or when a committee fails to hold a public hearing on a legislative measure pending before it, the exclusive means to bring that legislative measure directly before the House for its consideration is as provided in Rule 18 or Rule 58.

(f) No legislative measure may be called for a vote in a standing committee or special committee in the absence of the Principal Sponsor. The committee Chairperson, the committee Minority Spokesperson, or a chief co-sponsor may present a bill or resolution in committee with the approval of the Principal Sponsor when the committee consents. In the case of standing or special committees with Co-Chairpersons from different political parties, the "Chairperson" means the Co-Chairperson from the majority caucus, and the "Minority Spokesperson" means the Co-Chairperson from the minority caucus. This subsection may not be suspended.

(g) Motions for committee approval of bills and resolutions are renewable, provided that no bill or resolution may be voted on more than twice in any committee on motions to report the bill or resolution favorably, or to reconsider the vote by which the committee adopted a motion to report the bill or resolution unfavorably. A bill or resolution having failed to receive a favorable recommendation after 2 such record votes shall be automatically reported with the appropriate unfavorable recommendation.

(h) A bill or resolution shall be given short debate status by report of the committee if the bill or resolution was favorably reported by a three-fifths vote of the members present and voting, including those voting "present". Bills and resolutions receiving favorable reports may be placed upon the Consent Calendar as provided in Rule 42.

(i) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 31)

31. Standing Order of Business. The ~~Unless otherwise determined by the Presiding Officer, the~~ standing daily order of business of the House is as follows:

(1) Call to Order, Invocation, Pledge of Allegiance, and Roll Call.

(2) Petition Calendar.

(3) ~~(2)~~ Approval of the Journal.

(4) ~~(3)~~ Reading of House Bills a first time.

(5) ~~(4)~~ Reports from committees, with reports from the Rules Committee ordinarily made at any time.

(6) ~~(5)~~ Presentation of Resolutions, Petitions, and Messages.

(7) ~~(6)~~ Introduction of House Bills.

(8) ~~(7)~~ Messages from the Senate, not including reading Senate Bills a first time.

(9) ~~(8)~~ Reading of House Bills a second time.

(10) ~~(9)~~ Reading of House Bills a third time.

(11) ~~(10)~~ Reading of Senate Bills a third time.
(12) ~~(11)~~ Reading of Senate Bills a second time.
(13) ~~(12)~~ Reading of Senate Bills a first time.
(14) ~~(13)~~ House Bills on the Order of Concurrence.
(15) ~~(14)~~ Senate Bills on the Order of Non-Concurrence.
(16) ~~(15)~~ Conference Committee Reports.
(17) ~~(16)~~ Motions in Writing.
(18) ~~(17)~~ Constitutional Amendment Resolutions.
(19) ~~(18)~~ Motions with respect to Vetoes.
(20) ~~(19)~~ Consideration of Resolutions.
(21) ~~(20)~~ Motions to Discharge Committee.
(22) ~~(21)~~ Motions to Take from the Table.
(23) ~~(22)~~ Motions to Suspend the Rules.
(24) ~~(23)~~ Consideration of Bills on the Order of Postponed Consideration.

The Presiding Officer may vary the daily order of business of the House, but only with respect to items (3) through (24); items (1) and (2) must always be the first orders of business. The House may also return to the order of business under item (2) at the direction of the Presiding Officer or upon the adoption of a motion to change the order of business.

This rule may not be suspended.

(Source: H.R. 45, 96th G.A.)

(House Rule 37)

37. Bills.

(a) A bill may be introduced in the House by sponsorship of one or more members of the House, whose names shall be on the reproduced copies of the bills, in the House Journal, and in the Legislative Digest. The Principal Sponsor shall be the first name to appear on the bill and may be joined by no more than 4 chief co-sponsors with the approval of the Principal Sponsor; other co-sponsors shall be separated from the Principal Sponsor and any chief co-sponsors by a comma. The Principal Sponsor may change the sponsorship of a bill to that of one or more other Representatives, or to that of the standing committee or special committee to which the bill was referred or from which the bill was reported. Such change may be made at any time the bill is pending before the House or any of its committees by filing a notice with the Clerk, provided that the addition of any member as a Principal Sponsor, chief co-sponsor, or co-sponsor must be with that member's consent. This subsection may not be suspended.

(b) The Principal Sponsor of a bill controls that bill. A committee-sponsored bill is controlled by the Chairperson, or if Co-Chairpersons have been appointed, by the Co-Chairperson from the majority caucus, who for purposes of these Rules is deemed the Principal Sponsor. Committee-sponsored bills may not have individual co-sponsors.

(c) The Senate sponsor of a bill originating in the Senate may request substitute House sponsorship of that bill by filing a notice with the Clerk; such a notice is automatically referred to the Rules Committee and deemed adopted if approved by the Rules Committee. If disapproved by the Rules Committee, the notice shall lie on the table. If the Rules Committee fails to act on a notice, that notice may be discharged by unanimous consent.

(d) All bills introduced in the House shall be read by title a first time, ordered reproduced, and automatically referred to the Rules Committee in accordance with Rule 18. After a Senate Bill is received and a House member has submitted notification to the Clerk of sponsorship of that bill, it shall be read by title, ordered reproduced, and automatically referred to the Rules Committee in accordance with Rule 18.

(e) All bills introduced into the House shall be accompanied by 6 copies. Any bill that amends a statute shall indicate the particular changes in the following manner:

(1) All new matter shall be underscored.

(2) All matter that is to be omitted or superseded shall be shown crossed with a line.

(e-5) Appropriation bills for the operation of State government shall make appropriations pursuant to the standardized line items identified as items (1) through (18) of Section 13 of the State Finance Act with specific appropriation amounts for each item. Appropriations for other purposes may be included in an appropriation bill only if required by law or if it has been a custom and practice as documented by appropriations enacted for State fiscal year 2009.

This subsection (e-5) may be suspended only by the affirmative vote of 71 members elected.

(f) No bill shall be passed by the House except on a record vote of a majority of those elected, subject to Rule 69. A bill that has lost on third reading and has not been reconsidered may not thereafter be revived. If

a motion for the adoption of a first conference committee report fails and the motion is not reconsidered, then a second conference committee may be appointed as provided in Rule 76(c). If a motion for the adoption of a second conference committee report fails and is not reconsidered, then the bill may not thereafter be revived.

(g) An appropriation bill that is amended in the House may not be considered on Third Reading until the third calendar day following the adoption or tabling of any House committee or House floor amendments to the bill.

This subsection (g) may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 39)

39. Reproduction and Distribution. The Clerk shall, as soon as any bill or amendment is reproduced, cause the bill to be placed upon the desks of the members. Reproduction and distribution may be done electronically, or the Clerk may establish a method that any member may use to secure a copy of any bill. The Clerk shall record the date and time at which each amendment is filed and distributed.

(Source: H.R. 45, 96th G.A.)

(House Rule 40)

40. Amendments.

(a) An amendment to a bill may be adopted by a standing committee or special committee when the bill is before that committee. An amendment to a bill may be adopted by the House when a bill is on the order of Second Reading if: (i) the Rules Committee has referred the floor amendment to the House for consideration under Rule 18; (ii) a standing committee or special committee has referred the floor amendment to the House; or (iii) the floor amendment has been discharged from committee pursuant to Rule 18(g) or Rule 58. All amendments must be in writing. All committee amendments that are in compliance with the requirements of these House Rules ~~have been timely filed, as determined by the Chairperson,~~ shall be considered by the committee or a subcommittee of that committee prior to consideration by the committee of the bill to which the amendment relates. All amendments not adopted to a bill and that are still pending in a committee or before the House upon the passage or defeat of a bill on Third Reading are automatically tabled.

(b) Except as otherwise provided in these Rules, committee amendments may be offered only by the Principal Sponsor or a member of the committee while the affected bill is assigned to ~~before~~ that committee, and shall be adopted by a majority of those appointed. If a committee amendment is filed by a member who is not authorized to do so, that amendment shall be recorded by the Clerk as out of order. Floor amendments may be offered for adoption only by a Representative while the bill is on the order of Second Reading, subject to Rule 18, and shall be adopted by a majority vote of the House. The sponsor of a committee or floor amendment may change the sponsorship of the amendment to that of another member, with that other member's consent. Such change may be made at any time the amendment is pending before the House or any of its committees by filing notice with the Clerk. A committee amendment may be the subject of a motion to "do adopt" or "do not adopt". A committee amendment may be adopted only by a successful motion to "do adopt". The Chairperson of a committee may refer any committee amendment to a subcommittee of that committee.

(c) Committee amendments shall be filed with the Clerk of the House and shall be automatically referred to the committee before which the underlying bill or resolution is pending ~~Chairperson of the committee, and are in order only when sufficient copies have been filed to provide each member of the committee with a copy (which may be done in the same manner as distribution of bills under Rule 39) and 6 additional copies for the Chairperson~~. Floor amendments shall be filed with the Clerk only while the bill is on the order of Second Reading or Third Reading . Amendments shall not be considered filed until they are entered into the General Assembly's computer system by the Clerk as a filed amendment. Amendments ~~, and~~ are in order only when 6 copies have been filed. The Clerk shall number amendments sequentially in the order submitted, and all amendments that are in order shall be considered in ascending numerical order.

(d) The Clerk shall have reproduced, as expeditiously as possible, all ~~adopted committee~~ amendments that are filed pursuant to these Rules ~~come before the House. The Clerk shall also have reproduced all floor amendments referred to the House by a committee~~. No committee or floor amendment may be adopted ~~by the House~~ unless it has been reproduced and placed on the members' desks pursuant to ~~in the same manner as for bills under~~ Rule 39 , except that no committee amendment may be adopted by a committee during the 24-hour time period immediately following the filing of the amendment.

This subsection (d) may be suspended only by the affirmative vote of 71 members elected.

(e) No floor amendment is in order unless it has been first referred to the House for consideration by the

Rules Committee under Rule 18, or favorably reported by, or discharged from, a standing committee or special committee. A floor amendment may be referred to the House for consideration, or to a standing or special committee, only while the bill is on the order of Second Reading or Third Reading.

(f) Amendments that propose to alter any existing law shall conform to the requirements of Rule 37(e).

(g) If a committee reports a bill "do pass as amended", the committee amendments are deemed adopted by the committee action ~~and shall be reproduced and placed on the members' desks (which may be done in the same manner as provided for bills under Rule 39) before the bill may be read a second time~~.

(h) In the case of special committees with Co-Chairpersons from different political parties, the "Chairperson" for the purposes of this Rule is the Co-Chairperson from the majority caucus.

(i) No committee amendment shall be filed with the Clerk while a bill is assigned to the Rules Committee. Committee amendments may be filed for a resolution pending in the Rules Committee only if the resolution would adopt or amend House Rules or Joint House-Senate Rules pursuant to Rule 67.

(Source: H.R. 45, 96th G.A.)

(House Rule 42.1 new)

42.1. Petition Motion Calendar.

(a) The Principal Sponsor of a bill or resolution may file with the Clerk a motion signed by 71 members requesting placement of that bill or resolution on the Petition Calendar with regard to any bill or resolution pending in a House Committee or pending on an order of business on the Daily Calendar.

(b) The Clerk shall include a Petition Calendar on the Daily Calendar and designate it as a separate part of the Daily Calendar. A bill that is pending in a committee when a petition motion is filed shall be placed on the Petition Calendar order of Second Reading. A resolution that is pending in a committee when a petition motion is filed shall be placed on the Petition Calendar order of Resolutions. A bill or resolution that is on an order of business on the Daily Calendar when a petition motion is filed shall be placed on the same order of business on the Petition Calendar.

(c) A legislative measure on the Petition Calendar shall be moved between the orders of Second Reading, Third Reading, and Postponed Consideration at the request of the Principal Sponsor, except as limited by Rule 41.

(d) Whenever the House is on this order of business, the principal sponsor of each legislative measure on the Petition Calendar shall have the right to call that measure for consideration by the House.

(e) This rule may be suspended only by the affirmative vote of 71 members elected.

(House Rule 43)

43. Changing Order of Business.

(a) Any order of business may be changed at any time by the Speaker or Presiding Officer, except as limited by Rule 31.

(b) Any order of business may be changed at any time upon the motion of any member, supported by 5 additional members, if the motion is adopted by an affirmative vote of 71 members elected.

(c) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 44)

44. Special Orders; Rules Committee.

(a) A special order of business may be set by the Rules Committee or by the Speaker. The Principal Sponsor of a bill or resolution must consent to the placement of the bill or resolution on a special order. A special order shall fix the day to which it applies and the matters to be included. The Speaker, or the Rules Committee by a vote of a majority of the members appointed, may establish time limits for a special order and may establish limitations on debate during a special order (notwithstanding Rule 52), in which event the allotted time shall be fairly divided between proponents and opponents of the legislation to be considered. A special order of business takes the place of the standing order for such time as may be necessary for its completion but may occur no earlier than after the completion of standing order (2) of Rule 31. Only matters that may otherwise properly be before the House may be included in a special order.

(b) A special order shall appear on the Daily Calendar for 3 legislative days. ~~This subsection (b) may be suspended only by the affirmative vote of 71 members elected.~~

(c) A special order may be suspended, amended, or modified by motion adopted by an affirmative vote of 60 members. A special order shall be suspended by a written objection signed by 3 members of the Rules Committee and filed during the first legislative day on which the special order appears on the calendar.

(d) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 45, 96th G.A.)

(House Rule 75)

75. House Consideration of Joint Action.

(a) No joint action motion for final action or conference committee report may be considered by the House unless it has first been referred to the House by the Rules Committee or a standing committee or special committee in accordance with Rule 18, or unless the joint action motion or conference committee report has been discharged from the Rules Committee under Rule 18. Joint action motions for final action ~~consideration~~ and conference committee reports referred to a standing committee or special committee by the Rules Committee may not be discharged from the standing committee or special committee. This subsection (a) may be suspended by unanimous consent.

(b) No conference committee report may be considered by the House unless it has been reproduced and placed on the members' desks, in the same manner as provided for bills under Rule 39, for one full day during the period beginning with the convening of the House on the 2nd Wednesday of January each year and ending on the 30th day prior to the scheduled adjournment of the regular session established each year by the Speaker pursuant to Rule 9(a), and for one full hour on any other day.

(c) Before any conference committee report on an appropriation bill is considered by the House, the conference committee report shall first be the subject of a public hearing by a standing Appropriations Committee or a special committee (the conference committee report need not be referred to an Appropriations Committee or special committee, but instead may remain before the Rules Committee or the House, as the case may be). The hearing shall be held pursuant to not less than one hour advance notice by announcement on the House floor, or one day advance notice by posting on the House bulletin board. An Appropriations Committee or special committee shall not issue any report with respect to the conference committee report following the hearing.

(d) Any House Bill amended in the Senate and returned to the House for concurrence in the Senate amendment shall lie upon the desk of the Clerk for not less than one hour before being further considered.

(e) No House Bill that is returned to the House with Senate amendments may be called except by the Principal Sponsor, or by a chief co-sponsor with the consent of the Principal Sponsor. This subsection may not be suspended.

(f) Except as otherwise provided in Rule 74, the report of a conference committee on a non-appropriation bill or resolution shall be confined to the subject of the bill or resolution referred to the conference committee. The report of a conference committee on an appropriation bill shall be confined to the subject of appropriations.

(Source: H.R. 45, 96th G.A.)

(House Rule 76.5 new)

76.5. Appropriation Bills. Joint action motions for final action on the order of Concurrence regarding an appropriation bill shall not be considered by the House until the third calendar day following the day that the bill was received back in the House with one or more amendments added by the Senate. Joint action motions for final action on the order of Non-concurrence regarding an appropriation bill shall not be considered by the House until the third calendar day following the day that the bill was received back in the House with a message requesting the House to recede from one or more of its amendments. Joint action motions for final action on the order of Conference Committee Reports regarding an appropriation bill shall not be considered by the House until the third calendar day following the day that the conference report to which the motion applies was filed with the Clerk.

Nothing in this Rule limits consideration of a joint action motion for final action by a committee of the House or a joint committee of the House and Senate.

This Rule may be suspended only by the affirmative vote of 71 members elected.

(House Rule 102)

102. Definitions. As used in these Rules, terms have the meanings ascribed to them as follows, unless the context clearly requires a different meaning:

(1) Chairperson. "Chairperson" means that Representative designated by the Speaker to serve as chair of a committee.

(2) Co-Chairperson. "Co-Chairperson" means a Representative designated by the Speaker to serve as co-chair of a standing or special committee.

(3) Clerk. "Clerk" means the elected Clerk of the House.

(4) Committee. "Committee" means a committee of the House and includes a standing committee, the Rules Committee, a special committee, committees created under Article X and Article XII of these Rules, and a subcommittee of a committee. "Committee" does not mean a conference committee, and the procedural and notice requirements applicable to committees do not apply to

conference committees.

(5) Constitution. "Constitution" means the Constitution of the State of Illinois.

(6) General Assembly. "General Assembly" means the current General Assembly of the State of Illinois.

(7) House. "House" means the House of Representatives of the General Assembly.

(8) Joint Action Motions. "Joint action motions" means the following motions before the House: to concur in a Senate amendment, to non-concur in a Senate amendment, to recede from a House amendment, to refuse to recede from a House amendment, to request that a conference committee be appointed, and to adopt a conference committee report.

(8.5) Joint Action Motions for Final Action. "Joint action motions for final action" means the following motions before the House: to concur in a Senate amendment, to recede from a House amendment, and to adopt a conference committee report.

(9) Legislative Digest. "Legislative Digest" means the Legislative Synopsis and Digest that is prepared by the Legislative Reference Bureau of the General Assembly.

(10) Legislative Measures. "Legislative measures" means all matters brought before the House for consideration, whether originated in the House or Senate, and includes bills, amendments, resolutions, conference committee reports, motions, messages, notices, and Executive Orders from the executive branch.

(11) Majority. "Majority" means a majority of those members present and voting on a question. Unless otherwise specified with respect to a particular House Rule, for purposes of determining the number of members present and voting on a question, a "present" vote shall not be counted.

(12) Majority Caucus. "Majority caucus" means that group of Representatives from the numerically strongest political party in the House.

(13) Majority of those Appointed. "Majority of those appointed" means a majority of the total number of Representatives authorized under these Rules to be appointed to a committee.

(14) Majority of those Elected. "Majority of those elected" means a majority of the total number of Representatives entitled to be elected to the House, regardless of the number of elected or appointed Representatives actually serving in office. So long as 118 Representatives are entitled to be elected to the House, "majority of those elected" means 60 affirmative votes; 71 affirmative votes means three-fifths of the members elected; and 79 affirmative votes means two-thirds of the members elected.

(15) Member. "Member" means a Representative. Where the context so requires, "member" may also mean a Senator of the Illinois Senate.

(16) Members Appointed. "Members appointed" means the total number of Representatives authorized under these Rules to be appointed to a committee.

(17) Members Elected. "Members elected" means the 118 Representatives entitled to be elected to the House, regardless of the number of elected or appointed Representatives actually serving in office.

(18) Minority Caucus. "Minority caucus" means that group of Representatives from the second numerically strongest political party in the House.

(19) Minority Leader. "Minority Leader" means the Minority Leader of the House elected under Rule 2.

(20) Minority Spokesperson. "Minority spokesperson" means that Representative designated by the Minority Leader to serve as the minority spokesperson of a committee.

(21) Perfunctory Session. "Perfunctory session" means the convening of the House, pursuant to the scheduling of the Speaker, for purposes consistent with Rule 28.

(22) Presiding Officer. "Presiding Officer" means that Representative serving as the presiding officer of the House, whether that Representative is the Speaker or another Representative designated by the Speaker under Rule 4.

(23) Principal Sponsor. "Principal sponsor" means the first listed House sponsor of any legislative measure; with respect to a committee-sponsored bill or resolution, it means the Chairperson of the committee or the Co-Chairperson from the majority caucus.

(24) Record Vote. "Record vote" means a vote by ayes and nays entered on the journal.

(25) Representative. "Representative" means any duly elected or duly appointed Illinois State Representative, and means the same as "member".

(26) Senate. "Senate" means the Senate of the General Assembly.

(27) Speaker. "Speaker" means the Speaker of the House elected as provided in Rule 1.

(28) Term. "Term" means the 2-year term of a General Assembly.

(29) Vice-Chairperson. "Vice-Chairperson" means that Representative designated by the Speaker to serve as Vice-Chairperson of a committee.
(Source: H.R. 45, 96th G.A.)

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 11:48 o'clock a.m.

AGREED RESOLUTION

HOUSE RESOLUTION 1520 was taken up for consideration.
Representative Cavaletto moved the adoption of the agreed resolution.
The motion prevailed and the agreed resolution was adopted.

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 Coulson, SENATE BILL 647 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.

On motion of Representative Reitz, SENATE BILL 902 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 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.

RECALL

At the request of the principal sponsor, Representative Reitz, SENATE BILL 2525 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 2525. Having been recalled on January 5, 2011, the same was again taken up.
Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 2525 by replacing everything after the enacting clause with the following:
"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Sections 3, 6.5, and 10 as follows:

(5 ILCS 375/3) (from Ch. 127, par. 523)

Sec. 3. Definitions. Unless the context otherwise requires, the following words and phrases as used in this Act shall have the following meanings. The Department may define these and other words and phrases separately for the purpose of implementing specific programs providing benefits under this Act.

(a) "Administrative service organization" means any person, firm or corporation experienced in the handling of claims which is fully qualified, financially sound and capable of meeting the service requirements of a contract of administration executed with the Department.

(b) "Annuitant" means (1) an employee who retires, or has retired, on or after January 1, 1966 on an immediate annuity under the provisions of Articles 2, 14 (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity), 15 (including an employee who has retired under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code; (2) any person who was receiving group insurance coverage under this Act as of March 31, 1978 by reason of his status as an annuitant, even though the annuity in relation to which such coverage was provided is a proportional annuity based on less than the minimum period of service required for a retirement annuity in the system involved; (3) any person not otherwise covered by this Act who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code; (4) the spouse of any person who is receiving a retirement annuity under Article 18 of the Illinois Pension Code and who is covered under a group health insurance program sponsored by a governmental employer other than the State of Illinois and who has irrevocably elected to waive his or her coverage under this Act and to have his or her spouse considered as the "annuitant" under this Act and not as a "dependent"; or (5) an employee who retires, or has retired, from a qualified position, as determined according to rules promulgated by the Director, under a qualified local government, a qualified rehabilitation facility, a qualified domestic violence shelter or service, or a qualified child advocacy center. (For definition of "retired employee", see (p) post).

(b-5) "New SERS annuitant" means a person who, on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 14 of the Illinois Pension Code (including an employee who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of that Code in lieu of an annuity), and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-6) "New SURS annuitant" means a person who (1) on or after January 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 15 of the Illinois Pension Code, (2) has not made the election authorized under Section 15-135.1 of the Illinois Pension Code, and (3) is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(b-7) "New TRS State annuitant" means a person who, on or after July 1, 1998, becomes an annuitant, as defined in subsection (b), by virtue of beginning to receive a retirement annuity under Article 16 of the Illinois Pension Code based on service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code, and is eligible to participate in the basic program of group health benefits provided for annuitants under this Act.

(c) "Carrier" means (1) an insurance company, a corporation organized under the Limited Health Service Organization Act or the Voluntary Health Services Plan Act, a partnership, or other nongovernmental organization, which is authorized to do group life or group health insurance business in Illinois, or (2) the State of Illinois as a self-insurer.

(d) "Compensation" means salary or wages payable on a regular payroll by the State Treasurer on a warrant of the State Comptroller out of any State, trust or federal fund, or by the Governor of the State through a disbursing officer of the State out of a trust or out of federal funds, or by any Department out of State, trust, federal or other funds held by the State Treasurer or the Department, to any person for personal services currently performed, and ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, or benefits payable under the Workers' Compensation or Occupational Diseases Act or benefits payable under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Compensation" also means salary or wages paid to an employee of any qualified local government, qualified rehabilitation facility, qualified domestic violence shelter or service, or qualified child advocacy center.

(e) "Commission" means the State Employees Group Insurance Advisory Commission authorized by this

Act. Commencing July 1, 1984, "Commission" as used in this Act means the Commission on Government Forecasting and Accountability as established by the Legislative Commission Reorganization Act of 1984.

(f) "Contributory", when referred to as contributory coverage, shall mean optional coverages or benefits elected by the member toward the cost of which such member makes contribution, or which are funded in whole or in part through the acceptance of a reduction in earnings or the foregoing of an increase in earnings by an employee, as distinguished from noncontributory coverage or benefits which are paid entirely by the State of Illinois without reduction of the member's salary.

(g) "Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority.

(h) "Dependent", when the term is used in the context of the health and life plan, means a member's spouse and any ~~unmarried~~ child (1) from birth to age 26 ~~19~~ including an adopted child, a child who lives with the member from the time of the filing of a petition for adoption until entry of an order of adoption, a stepchild or adjudicated ~~recognized~~ child ~~who lives with the member in a parent child relationship~~, or a child who lives with the member if such member is a court appointed guardian of the child or ~~,~~ (2) ~~age 19 to 24 enrolled as a full time student in any accredited school, financially dependent upon the member, and eligible to be claimed as a dependent for income tax purposes, (2.1) age 19 to 24 on a medical leave of absence as described in Section 356z.11 of the Illinois Insurance Code (215 ILCS 5/356z.11), or (3)~~ age 19 or over who is mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child dependent) ~~handicapped~~. ~~For the purposes of item (2), an unmarried child age 19 to 24 who is a member of the United States Armed Services, including the Illinois National Guard, and is mobilized to active duty shall qualify as a dependent beyond the age of 24 and until the age of 25 and while a full time student for the amount of time spent on active duty between the ages of 19 and 24. The individual attempting to qualify for this additional time must submit written documentation of active duty service to the Director. The changes made by this amendatory Act of the 94th General Assembly apply only to individuals mobilized to active duty in the United States Armed Services, including the Illinois National Guard, on or after January 1, 2002.~~ For the health plan only, the term "dependent" also includes (1) any person enrolled prior to the effective date of this Section who is dependent upon the member to the extent that the member may claim such person as a dependent for income tax deduction purposes and (2) ~~;~~ ~~no other such person may be enrolled. For the health plan only, the term "dependent" also includes~~ any person who has received after June 30, 2000 an organ transplant and who is financially dependent upon the member and eligible to be claimed as a dependent for income tax purposes. A member requesting to cover any dependent must provide documentation as requested by the Department of Central Management Services and file with the Department any and all forms required by the Department.

(i) "Director" means the Director of the Illinois Department of Central Management Services or of any successor agency designated to administer this Act.

(j) "Eligibility period" means the period of time a member has to elect enrollment in programs or to select benefits without regard to age, sex or health.

(k) "Employee" means and includes each officer or employee in the service of a department who (1) receives his compensation for service rendered to the department on a warrant issued pursuant to a payroll certified by a department or on a warrant or check issued and drawn by a department upon a trust, federal or other fund or on a warrant issued pursuant to a payroll certified by an elected or duly appointed officer of the State or who receives payment of the performance of personal services on a warrant issued pursuant to a payroll certified by a Department and drawn by the Comptroller upon the State Treasurer against appropriations made by the General Assembly from any fund or against trust funds held by the State Treasurer, and (2) is employed full-time or part-time in a position normally requiring actual performance of duty during not less than 1/2 of a normal work period, as established by the Director in cooperation with each department, except that persons elected by popular vote will be considered employees during the entire term for which they are elected regardless of hours devoted to the service of the State, and (3) except that "employee" does not include any person who is not eligible by reason of such person's employment to participate in one of the State retirement systems under Articles 2, 14, 15 (either the regular Article 15 system or the optional retirement program established under Section 15-158.2) or 18, or under paragraph (2), (3), or (5) of Section 16-106, of the Illinois Pension Code, but such term does include persons who are

employed during the 6 month qualifying period under Article 14 of the Illinois Pension Code. Such term also includes any person who (1) after January 1, 1966, is receiving ordinary or accidental disability benefits under Articles 2, 14, 15 (including ordinary or accidental disability benefits under the optional retirement program established under Section 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of the Illinois Pension Code, for disability incurred after January 1, 1966, (2) receives total permanent or total temporary disability under the Workers' Compensation Act or Occupational Disease Act as a result of injuries sustained or illness contracted in the course of employment with the State of Illinois, or (3) is not otherwise covered under this Act and has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code. However, a person who satisfies the criteria of the foregoing definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code is also an "employee" for the purposes of this Act. "Employee" also includes any person receiving or eligible for benefits under a sick pay plan established in accordance with Section 36 of the State Finance Act. "Employee" also includes (i) each officer or employee in the service of a qualified local government, including persons appointed as trustees of sanitary districts regardless of hours devoted to the service of the sanitary district, (ii) each employee in the service of a qualified rehabilitation facility, (iii) each full-time employee in the service of a qualified domestic violence shelter or service, and (iv) each full-time employee in the service of a qualified child advocacy center, as determined according to rules promulgated by the Director.

(l) "Member" means an employee, annuitant, retired employee or survivor.

(m) "Optional coverages or benefits" means those coverages or benefits available to the member on his or her voluntary election, and at his or her own expense.

(n) "Program" means the group life insurance, health benefits and other employee benefits designed and contracted for by the Director under this Act.

(o) "Health plan" means a health benefits program offered by the State of Illinois for persons eligible for the plan.

(p) "Retired employee" means any person who would be an annuitant as that term is defined herein but for the fact that such person retired prior to January 1, 1966. Such term also includes any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant but for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code.

(q) "Survivor" means a person receiving an annuity as a survivor of an employee or of an annuitant. "Survivor" also includes: (1) the surviving dependent of a person who satisfies the definition of "employee" except that such person is made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; (2) the surviving dependent of any person formerly employed by the University of Illinois in the Cooperative Extension Service who would be an annuitant except for the fact that such person was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code; and (3) the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-2) "SERS" means the State Employees' Retirement System of Illinois, created under Article 14 of the Illinois Pension Code.

(q-3) "SURS" means the State Universities Retirement System, created under Article 15 of the Illinois Pension Code.

(q-4) "TRS" means the Teachers' Retirement System of the State of Illinois, created under Article 16 of the Illinois Pension Code.

(q-5) "New SERS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 14 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SERS annuitant as defined in subsection (b-5). "New SERS survivor" includes the surviving dependent of a person who was an annuitant under this Act by virtue of receiving an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code.

(q-6) "New SURS survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 15 of the Illinois Pension Code and is based on the death of (i) an employee whose death occurs on or after January 1, 1998, or (ii) a new SURS annuitant as defined in subsection (b-6).

(q-7) "New TRS State survivor" means a survivor, as defined in subsection (q), whose annuity is paid under Article 16 of the Illinois Pension Code and is based on the death of (i) an employee who is a teacher

as defined in paragraph (2), (3), or (5) of Section 16-106 of that Code and whose death occurs on or after July 1, 1998, or (ii) a new TRS State annuitant as defined in subsection (b-7).

(r) "Medical services" means the services provided within the scope of their licenses by practitioners in all categories licensed under the Medical Practice Act of 1987.

(s) "Unit of local government" means any county, municipality, township, school district (including a combination of school districts under the Intergovernmental Cooperation Act), special district or other unit, designated as a unit of local government by law, which exercises limited governmental powers or powers in respect to limited governmental subjects, any not-for-profit association with a membership that primarily includes townships and township officials, that has duties that include provision of research service, dissemination of information, and other acts for the purpose of improving township government, and that is funded wholly or partly in accordance with Section 85-15 of the Township Code; any not-for-profit corporation or association, with a membership consisting primarily of municipalities, that operates its own utility system, and provides research, training, dissemination of information, or other acts to promote cooperation between and among municipalities that provide utility services and for the advancement of the goals and purposes of its membership; the Southern Illinois Collegiate Common Market, which is a consortium of higher education institutions in Southern Illinois; the Illinois Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not already joined the program. "Qualified local government" means a unit of local government approved by the Director and participating in a program created under subsection (i) of Section 10 of this Act.

(t) "Qualified rehabilitation facility" means any not-for-profit organization that is accredited by the Commission on Accreditation of Rehabilitation Facilities or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services to persons with disabilities and which receives funds from the State of Illinois for providing those services, approved by the Director and participating in a program created under subsection (j) of Section 10 of this Act.

(u) "Qualified domestic violence shelter or service" means any Illinois domestic violence shelter or service and its administrative offices funded by the Department of Human Services (as successor to the Illinois Department of Public Aid), approved by the Director and participating in a program created under subsection (k) of Section 10.

(v) "TRS benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code; and

(3) either (i) has at least 8 years of creditable service under Article 16 of the Illinois Pension Code, or (ii) was enrolled in the health insurance program offered under that Article on January 1, 1996, or (iii) is the survivor of a benefit recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance program offered under that Article on the effective date of this amendatory Act of 1995, or (iv) is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

(w) "TRS dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a TRS benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the TRS benefit recipient, or (C) ~~unmarried~~ natural , step, adjudicated, or adopted child who is (i) under age 26 ~~19~~, ~~or~~ (ii) ~~enrolled as a full-time student in an accredited school, financially dependent upon the TRS benefit recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or~~ was, on January 1, 1996, participating as a dependent beneficiary in the health insurance program offered under Article 16 of the Illinois Pension Code, or (iii) age 19 or over who is mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as adult child) ~~handicapped~~.

(x) "Military leave ~~with pay and benefits~~" refers to individuals in basic training for reserves, special/advanced training, annual training, emergency call up, ~~or~~ activation by the President of the United States , or any other training or duty in service to the United States Armed Forces ~~with approved pay and benefits~~.

(y) (Blank). ~~"Military leave without pay and benefits" refers to individuals who enlist for active duty in a regular component of the U.S. Armed Forces or other duty not specified or authorized under military leave with pay and benefits.~~

(z) "Community college benefit recipient" means a person who:

(1) is not a "member" as defined in this Section; and

(2) is receiving a monthly survivor's annuity or retirement annuity under Article 15 of the Illinois Pension Code; and

(3) either (i) was a full-time employee of a community college district or an association of community college boards created under the Public Community College Act (other than an employee whose last employer under Article 15 of the Illinois Pension Code was a community college district subject to Article VII of the Public Community College Act) and was eligible to participate in a group health benefit plan as an employee during the time of employment with a community college district (other than a community college district subject to Article VII of the Public Community College Act) or an association of community college boards, or (ii) is the survivor of a person described in item (i).

(aa) "Community college dependent beneficiary" means a person who:

(1) is not a "member" or "dependent" as defined in this Section; and

(2) is a community college benefit recipient's: (A) spouse, (B) dependent parent who is receiving at least half of his or her support from the community college benefit recipient, or (C) ~~unmarried~~ natural , step, adjudicated, or adopted child who is (i) under age 26 ~~19~~, or (ii) ~~enrolled as a full-time student in an accredited school, financially dependent upon the community college benefit recipient, eligible to be claimed as a dependent for income tax purposes and under age 23, or (iii)~~ age 19 or over and mentally or physically disabled from a cause originating prior to the age of 19 (age 26 if enrolled as an adult child) ~~handicapped~~.

(bb) "Qualified child advocacy center" means any Illinois child advocacy center and its administrative offices funded by the Department of Children and Family Services, as defined by the Children's Advocacy Center Act (55 ILCS 80/), approved by the Director and participating in a program created under subsection (n) of Section 10.

(Source: P.A. 95-331, eff. 8-21-07; 95-632, eff. 9-25-07; 96-756, eff. 1-1-10.)

(5 ILCS 375/6.5)

Sec. 6.5. Health benefits for TRS benefit recipients and TRS dependent beneficiaries.

(a) Purpose. It is the purpose of this amendatory Act of 1995 to transfer the administration of the program of health benefits established for benefit recipients and their dependent beneficiaries under Article 16 of the Illinois Pension Code to the Department of Central Management Services.

(b) Transition provisions. The Board of Trustees of the Teachers' Retirement System shall continue to administer the health benefit program established under Article 16 of the Illinois Pension Code through December 31, 1995. Beginning January 1, 1996, the Department of Central Management Services shall be responsible for administering a program of health benefits for TRS benefit recipients and TRS dependent beneficiaries under this Section. The Department of Central Management Services and the Teachers' Retirement System shall cooperate in this endeavor and shall coordinate their activities so as to ensure a smooth transition and uninterrupted health benefit coverage.

(c) Eligibility. All persons who were enrolled in the Article 16 program at the time of the transfer shall be eligible to participate in the program established under this Section without any interruption or delay in coverage or limitation as to pre-existing medical conditions. Eligibility to participate shall be determined by the Teachers' Retirement System. Eligibility information shall be communicated to the Department of Central Management Services in a format acceptable to the Department.

A TRS dependent beneficiary who is a ~~an unmarried~~ child age 19 or over and mentally or physically disabled does not become ineligible to participate by reason of (i) becoming ineligible to be claimed as a dependent for Illinois or federal income tax purposes or (ii) receiving earned income, so long as those earnings are insufficient for the child to be fully self-sufficient.

(d) Coverage. The level of health benefits provided under this Section shall be similar to the level of benefits provided by the program previously established under Article 16 of the Illinois Pension Code.

Group life insurance benefits are not included in the benefits to be provided to TRS benefit recipients and TRS dependent beneficiaries under this Act.

The program of health benefits under this Section may include any or all of the benefit limitations, including but not limited to a reduction in benefits based on eligibility for federal medicare benefits, that are provided under subsection (a) of Section 6 of this Act for other health benefit programs under this Act.

(e) Insurance rates and premiums. The Director shall determine the insurance rates and premiums for TRS benefit recipients and TRS dependent beneficiaries, and shall present to the Teachers' Retirement System of the State of Illinois, by April 15 of each calendar year, the rate-setting methodology (including but not limited to utilization levels and costs) used to determine the amount of the health care premiums.

For Fiscal Year 1996, the premium shall be equal to the premium actually charged in Fiscal Year 1995; in subsequent years, the premium shall never be lower than the premium charged in Fiscal Year 1995.

For Fiscal Year 2003, the premium shall not exceed 110% of the premium actually charged in Fiscal Year 2002.

For Fiscal Year 2004, the premium shall not exceed 112% of the premium actually charged in Fiscal Year 2003.

For Fiscal Year 2005, the premium shall not exceed a weighted average of 106.6% of the premium actually charged in Fiscal Year 2004.

For Fiscal Year 2006, the premium shall not exceed a weighted average of 109.1% of the premium actually charged in Fiscal Year 2005.

For Fiscal Year 2007, the premium shall not exceed a weighted average of 103.9% of the premium actually charged in Fiscal Year 2006.

For Fiscal Year 2008 and thereafter, the premium in each fiscal year shall not exceed 105% of the premium actually charged in the previous fiscal year.

Rates and premiums may be based in part on age and eligibility for federal medicare coverage. However, the cost of participation for a TRS dependent beneficiary who is an unmarried child age 19 or over and mentally or physically disabled shall not exceed the cost for a TRS dependent beneficiary who is an unmarried child under age 19 and participates in the same major medical or managed care program.

The cost of health benefits under the program shall be paid as follows:

(1) For a TRS benefit recipient selecting a managed care program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting a managed care program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund.

(2) For a TRS benefit recipient selecting the major medical coverage program, up to 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 50% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is accessible, as determined by the Department of Central Management Services.

(3) For a TRS benefit recipient selecting the major medical coverage program, up to 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Teachers' Retirement System. Effective with Fiscal Year 2007 and thereafter, for a TRS benefit recipient selecting the major medical coverage program, 75% of the total insurance rate shall be paid from the Teacher Health Insurance Security Fund if a managed care program is not accessible, as determined by the Department of Central Management Services.

(3.1) For a TRS dependent beneficiary who is Medicare primary and enrolled in a managed care plan, or the major medical coverage program if a managed care plan is not available, 25% of the total insurance rate shall be paid from the Teacher Health Security Fund as determined by the Department of Central Management Services. For the purpose of this item (3.1), the term "TRS dependent beneficiary who is Medicare primary" means a TRS dependent beneficiary who is participating in Medicare Parts A and B.

(4) Except as otherwise provided in item (3.1), the balance of the rate of insurance, including the entire premium of any coverage for TRS dependent beneficiaries that has been elected, shall be paid by deductions authorized by the TRS benefit recipient to be withheld from his or her monthly annuity or benefit payment from the Teachers' Retirement System; except that (i) if the balance of the cost of coverage exceeds the amount of the monthly annuity or benefit payment, the difference shall be paid directly to the Teachers' Retirement System by the TRS benefit recipient, and (ii) all or part of the balance of the cost of coverage may, at the school board's option, be paid to the Teachers' Retirement System by the school board of the school district from which the TRS benefit recipient retired, in accordance with Section 10-22.3b of the School Code. The Teachers' Retirement System shall promptly deposit all moneys withheld by or paid to it under this subdivision (e)(4) into the Teacher Health Insurance Security Fund. These moneys shall not be considered assets of the Retirement System.

(f) Financing. Beginning July 1, 1995, all revenues arising from the administration of the health benefit programs established under Article 16 of the Illinois Pension Code or this Section shall be deposited into the Teacher Health Insurance Security Fund, which is hereby created as a nonappropriated trust fund to be

held outside the State Treasury, with the State Treasurer as custodian. Any interest earned on moneys in the Teacher Health Insurance Security Fund shall be deposited into the Fund.

Moneys in the Teacher Health Insurance Security Fund shall be used only to pay the costs of the health benefit program established under this Section, including associated administrative costs, and the costs associated with the health benefit program established under Article 16 of the Illinois Pension Code, as authorized in this Section. Beginning July 1, 1995, the Department of Central Management Services may make expenditures from the Teacher Health Insurance Security Fund for those costs.

After other funds authorized for the payment of the costs of the health benefit program established under Article 16 of the Illinois Pension Code are exhausted and until January 1, 1996 (or such later date as may be agreed upon by the Director of Central Management Services and the Secretary of the Teachers' Retirement System), the Secretary of the Teachers' Retirement System may make expenditures from the Teacher Health Insurance Security Fund as necessary to pay up to 75% of the cost of providing health coverage to eligible benefit recipients (as defined in Sections 16-153.1 and 16-153.3 of the Illinois Pension Code) who are enrolled in the Article 16 health benefit program and to facilitate the transfer of administration of the health benefit program to the Department of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Teacher Health Insurance Security Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Teacher Health Insurance Security Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(g) Contract for benefits. The Director shall by contract, self-insurance, or otherwise make available the program of health benefits for TRS benefit recipients and their TRS dependent beneficiaries that is provided for in this Section. The contract or other arrangement for the provision of these health benefits shall be on terms deemed by the Director to be in the best interest of the State of Illinois and the TRS benefit recipients based on, but not limited to, such criteria as administrative cost, service capabilities of the carrier or other contractor, and the costs of the benefits.

(g-5) Committee. A Teacher Retirement Insurance Program Committee shall be established, to consist of 10 persons appointed by the Governor.

The Committee shall convene at least 4 times each year, and shall consider and make recommendations on issues affecting the program of health benefits provided under this Section. Recommendations of the Committee shall be based on a consensus of the members of the Committee.

If the Teacher Health Insurance Security Fund experiences a deficit balance based upon the contribution and subsidy rates established in this Section and Section 6.6 for Fiscal Year 2008 or thereafter, the Committee shall make recommendations for adjustments to the funding sources established under these Sections.

(h) Continuation of program. It is the intention of the General Assembly that the program of health benefits provided under this Section be maintained on an ongoing, affordable basis.

The program of health benefits provided under this Section may be amended by the State and is not intended to be a pension or retirement benefit subject to protection under Article XIII, Section 5 of the Illinois Constitution.

(i) Repeal. (Blank).

(Source: P.A. 95-632, eff. 9-25-07.)

(5 ILCS 375/10) (from Ch. 127, par. 530)

Sec. 10. Payments by State; premiums.

(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired

member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July 1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the deceased annuitant's creditable service shall be determined as of the date of termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

(a-5) Beginning January 1, 1998, for each person who becomes a new SURS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Universities Retirement System on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SURS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates

in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new TRS State survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date of death, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of the deceased employee's or deceased annuitant's creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of the new TRS State survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

(a-9) No later than May 1 of each calendar year, the Director of Central Management Services shall certify in writing to the Executive Secretary of the State Employees' Retirement System of Illinois the amounts of the Medicare supplement health care premiums and the amounts of the health care premiums for all other retirees who are not Medicare eligible.

A separate calculation of the premiums based upon the actual cost of each health care plan shall be so certified.

The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Local Government Health Insurance Reserve Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Local Government Health Insurance Reserve Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave ~~with pay and benefits~~. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply to persons receiving ordinary or accidental

disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave ~~with pay and benefits~~.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave ~~with pay and benefits~~, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months or ~~,~~ (2) until such person's employment or annuitant status with the State is terminated~~, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits~~ (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and (2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 50% of the employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 50% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan. A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection, "participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages, or contributed by the State for basic insurance coverages on behalf of its employees, adjusted for differences between State employees and employees of the local government in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the unit of local government and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government.

In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. The Local Government Health Insurance Reserve Fund is not subject to administrative charges or charge-backs, including but not limited to those authorized under Section 8h of the State Finance Act. All revenues arising from the administration of the health benefits program established under this Section shall be deposited into the Local Government Health Insurance Reserve Fund. Any interest earned on moneys in the Local Government Health Insurance Reserve Fund shall be deposited into the Fund. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 50% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees. Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage

to employees of the rehabilitation facility and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. The domestic violence shelter shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the domestic violence shelter attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan and (2) at least 50% of the employees are enrolled and the domestic violence shelter remits the entire cost of providing coverage to those employees. Employees of a participating domestic violence shelter who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, or special circumstance as defined by the Director or during the annual Benefit Choice Period. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(l) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).

(n) Any child advocacy center within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a child advocacy center must agree to enroll all of its employees and pay the entire cost of providing coverage for its employees. The child advocacy center shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (1) an appropriate official from the child advocacy center attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan and (2) at least 50% of the employees are enrolled and the child advocacy center remits the entire cost of providing coverage to those employees. Employees of a participating child advocacy center who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, or special circumstance as defined by the Director or during

the annual Benefit Choice Period. A participating child advocacy center may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the child advocacy center, its employees, or some combination of the 2 as determined by the child advocacy center. The child advocacy center shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the child advocacy center in age, sex, geographic location, or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the child advocacy center and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the child advocacy center.

Monthly payments by the child advocacy center or its employees for group health insurance shall be deposited into the Local Government Health Insurance Reserve Fund.

(Source: P.A. 95-331, eff. 8-21-07; 95-632, eff. 9-25-07; 95-707, eff. 1-11-08; 96-756, eff. 1-1-10; 96-1232, eff. 7-23-10.)

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

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.

RECALL

At the request of the principal sponsor, Representative Franks, SENATE BILL 3965 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 3965. Having been recalled on January 5, 2011, the same was again taken up.

Representative Franks offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 3965, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 on page 25, line 24, by replacing "or" with "of"; and

on page 28, by replacing lines 1 through 5 with the following:

"investigation; and

(4) the status of any investigation delegated by the Executive Inspector General.".

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 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 Franks, SENATE BILL 3965 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:

92, Yeas; 21, Nays; 1, 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 Reitz, SENATE BILL 2525 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; 0, Nays; 1, 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.

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 3952.

SENATE BILL 1927. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1927 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 3388 of the 96th General Assembly (as amended by House Amendment Nos. 1, 2, and 3) becomes law, then the Illinois Power Agency Act is amended by changing Section 1-10 as follows:

(20 ILCS 3855/1-10)

Sec. 1-10. Definitions.

"Agency" means the Illinois Power Agency.

"Agency loan agreement" means any agreement pursuant to which the Illinois Finance Authority agrees to loan the proceeds of revenue bonds issued with respect to a project to the Agency upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, interest and premium, if any, on those revenue bonds, and providing for maintenance, insurance, and other matters in respect of the project.

"Authority" means the Illinois Finance Authority.

"Clean coal facility" means an electric generating facility that uses primarily coal as a feedstock and that captures and sequesters carbon dioxide emissions at the following levels: at least 50% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation before 2016, at least 70% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation during 2016 or 2017, and at least 90% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences, the facility is scheduled to commence operation after 2017. The power block of the clean coal facility shall not exceed allowable emission rates for sulfur dioxide, nitrogen oxides, carbon monoxide, particulates and mercury for a natural gas-fired combined-cycle facility the same size as and in the same location as the clean coal facility at the time the clean coal facility obtains an approved air permit. All coal used by a clean coal facility shall have high volatile bituminous rank and greater than 1.7 pounds of sulfur per million btu content, unless the clean coal facility does not use gasification technology and was operating as a conventional coal-fired electric generating facility on June 1, 2009 (the effective date of Public Act 95-1027).

"Clean coal SNG brownfield facility" means a facility that (1) has commenced construction by July 1, 2014 on an urban brownfield site in a municipality with at least 1,000,000 residents; (2) uses a gasification process to produce substitute natural gas; (3) uses coal as at least 50% of the total feedstock over the term of any sourcing agreement with a utility and the remainder of the feedstock may be either petroleum coke

or coal, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million Btu content; and (4) captures and sequesters at least 85% of the total carbon dioxide emissions that the facility would otherwise emit.

"Clean coal SNG facility" means a facility that uses a gasification process to produce substitute natural gas, that sequesters at least 90% of the total carbon dioxide emissions that the facility would otherwise emit and that uses petroleum coke or coal as a feedstock, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million btu content; provided, however, a clean coal SNG brownfield facility shall not be a clean coal SNG facility.

"Commission" means the Illinois Commerce Commission.

"Costs incurred in connection with the development and construction of a facility" means:

(1) the cost of acquisition of all real property, fixtures, and improvements in connection therewith and equipment, personal property, and other property, rights, and easements acquired that are deemed necessary for the operation and maintenance of the facility;

(2) financing costs with respect to bonds, notes, and other evidences of indebtedness of the Agency;

(3) all origination, commitment, utilization, facility, placement, underwriting, syndication, credit enhancement, and rating agency fees;

(4) engineering, design, procurement, consulting, legal, accounting, title insurance, survey, appraisal, escrow, trustee, collateral agency, interest rate hedging, interest rate swap, capitalized interest, contingency, as required by lenders, and other financing costs, and other expenses for professional services; and

(5) the costs of plans, specifications, site study and investigation, installation, surveys, other Agency costs and estimates of costs, and other expenses necessary or incidental to determining the feasibility of any project, together with such other expenses as may be necessary or incidental to the financing, insuring, acquisition, and construction of a specific project and starting up, commissioning, and placing that project in operation.

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

"Director" means the Director of the Illinois Power Agency.

"Demand-response" means measures that decrease peak electricity demand or shift demand from peak to off-peak periods.

"Energy efficiency" means measures that reduce the amount of electricity or natural gas required to achieve a given end use.

"Electric utility" has the same definition as found in Section 16-102 of the Public Utilities Act.

"Facility" means an electric generating unit or a co-generating unit that produces electricity along with related equipment necessary to connect the facility to an electric transmission or distribution system.

"Governmental aggregator" means one or more units of local government that individually or collectively procure electricity to serve residential retail electrical loads located within its or their jurisdiction.

"Local government" means a unit of local government as defined in Article VII of Section 1 of the Illinois Constitution.

"Municipality" means a city, village, or incorporated town.

"Person" means any natural person, firm, partnership, corporation, either domestic or foreign, company, association, limited liability company, joint stock company, or association and includes any trustee, receiver, assignee, or personal representative thereof.

"Project" means the planning, bidding, and construction of a facility.

"Public utility" has the same definition as found in Section 3-105 of the Public Utilities Act.

"Real property" means any interest in land together with all structures, fixtures, and improvements thereon, including lands under water and riparian rights, any easements, covenants, licenses, leases, rights-of-way, uses, and other interests, together with any liens, judgments, mortgages, or other claims or security interests related to real property.

"Renewable energy credit" means a tradable credit that represents the environmental attributes of a certain amount of energy produced from a renewable energy resource.

"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, crops and untreated and unadulterated organic waste biomass, tree waste, hydropower that does not involve new construction or significant expansion of hydropower dams, and other alternative sources of environmentally preferable energy. For purposes of this Act, landfill gas produced in the State is considered a renewable

energy resource. "Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood.

"Revenue bond" means any bond, note, or other evidence of indebtedness issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Agency.

"Sequester" means permanent storage of carbon dioxide by injecting it into a saline aquifer, a depleted gas reservoir, or an oil reservoir, directly or through an enhanced oil recovery process that may involve intermediate storage, regardless of whether these activities are conducted by a clean coal facility, clean coal SNG facility, clean coal SNG brownfield facility, the clean coal SNG facility located in Jefferson County, or a party with which a clean coal facility, clean coal SNG facility, ~~or~~ clean coal SNG brownfield facility , or the clean coal SNG facility located in Jefferson County, has contracted for such purposes.

"Sourcing agreement" means (i) in the case of an electric utility, an agreement between the owner of a clean coal facility and such electric utility, which agreement shall have terms and conditions meeting the requirements of paragraph (3) of subsection (d) of Section 1-75, (ii) in the case of an alternative retail electric supplier, an agreement between the owner of a clean coal facility and such alternative retail electric supplier, which agreement shall have terms and conditions meeting the requirements of Section 16-115(d)(5) of the Public Utilities Act, and (iii) in case of a gas utility, an agreement between the owner of a clean coal SNG brownfield facility and the gas utility, which agreement shall have the terms and conditions meeting the requirements of subsection (h-1) of Section 9-220 of the Public Utilities Act.

"Substitute natural gas" or "SNG" means a gas manufactured by gasification of hydrocarbon feedstock, which is substantially interchangeable in use and distribution with conventional natural gas.

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test compares the sum of avoided electric utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, as well as other quantifiable societal benefits, including avoided natural gas utility costs, to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases.

(Source: P.A. 95-481, eff. 8-28-07; 95-913, eff. 1-1-09; 95-1027, eff. 6-1-09; 96-33, eff. 7-10-09; 96-159, eff. 8-10-09; 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 09600SB3388ham001 and ham003.)

Section 7. If and only if Senate Bill 3388 of the 96th General Assembly (as amended by House Amendment Nos. 1, 2, and 3) becomes law, then the Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80.

(3) Purchase of care.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 7 days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) Contracts for services to Northern Illinois University by a person, acting as an independent contractor, who is qualified by education, experience, and technical ability and is selected by negotiation for the purpose of providing non-credit educational service activities or products by means of specialized programs offered by the university.

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) Procurement expenditures by the Illinois Health Information Exchange Authority involving private funds from the Health Information Exchange Fund. "Private funds" means gifts, donations, and private grants.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) This Code does not apply to the process used by the Illinois Power Agency to retain a mediator to mediate sourcing agreement disputes between gas utilities and the clean coal SNG brownfield facility, as defined in Section 1-10 of the Illinois Power Agency Act, as required under subsection (h-1) of Section 9-220 of the Public Utilities Act.

(g) This Code does not apply to the process used by the Illinois Power Agency to retain a mediator to mediate contract disputes between gas utilities and the clean coal SNG facility located in Jefferson County as required under subsection (h) of Section 9-220 of the Public Utilities Act and does not apply to the process used by the Illinois Commerce Commission to retain an expert to assist in determining the actual incurred costs of the clean coal SNG facility and the reasonableness of those costs as required under subsection (h) of Section 9-220 of the Public Utilities Act.

(Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07; 95-876, eff. 8-21-08; 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10; 09600SB3388ham001 and ham003.)

Section 10. If and only if Senate Bill 3388 of the 96th General Assembly (as amended by House Amendment Nos. 1, 2, and 3) becomes law, then the Public Utilities Act is amended by changing Sections 3-123 and 9-220 and by adding Sections 3-124, 3-125, and 3-126 as follows:

(220 ILCS 5/3-123)

Sec. 3-123. Clean coal SNG brownfield facility; sequester; SNG facility; sourcing agreement; substitute natural gas or SNG. As used in this Act:

"Clean coal SNG facility" shall have the same meaning as provided in Section 1-10 of the Illinois Power Agency Act.

"Clean coal SNG brownfield facility" shall have the same meaning as provided in Section 1-10 of the Illinois Power Agency Act.

"Sequester" shall have the same meaning as provided in Section 1-10 of the Illinois Power Agency Act.

"SNG facility" means a facility that produces substitute natural gas from feedstock that includes coal through a gasification process, including a clean coal facility, the clean coal SNG brownfield facility, and the clean coal SNG facility located in Jefferson County ~~described in subsection (h) of Section 9-220 of this Act~~.

"Sourcing agreement" means an agreement between the owner of a clean coal SNG brownfield facility

and the gas utility that has the terms and conditions meeting the requirements of subsection (h-1) of Section 9-220 of this Act.

"Substitute natural gas" or "SNG" shall have the same meaning as provided in Section 1-10 of the Illinois Power Agency Act.

(Source: 09600SB3388ham001.)

(220 ILCS 5/3-124 new)

Sec. 3-124. Adjusted final capitalized plant cost. "Adjusted final capitalized plant cost" means the final capitalized plant cost reduced by the following, without duplication and to the extent not already accounted for or reflected on the books of the facility: (i) any State of Illinois Financial Assistance, (ii) any U.S. Financial Assistance, and (iii) any quantifiable benefit from a U.S. Clean Coal Gasification Program received by the facility during a period equal to the shorter of (x) the life of such program or (y) the term of the agreement, such quantifiable benefit to be discounted at a rate of 14% per annum over such period.

(220 ILCS 5/3-125 new)

Sec. 3-125. Final capitalized plant cost. "Final capitalized plant cost" means the total capitalized asset cost of the plant of the clean coal SNG facility located in Jefferson County as reflected on the balance sheet of the facility at the time of the commercial production date, with such capitalized cost to be accrued in accordance with generally accepted accounting principles, and includes, without limitation, the following items: major equipment, the SNG pipeline from the plant to the receiving pipeline, water lines, railroad improvements, access road improvements, all coal transportation assets, including the slurry line, slurry prep plant, carbon dioxide capture metering and compression, licensing fees, all costs incurred in the management planning, oversight and execution of the construction and start-up of the plant, and all fees and costs payable under engineering, procurement, and design contracts for the construct of the plant accrued as of the time of the commercial production date, but does not include capitalized financing costs including capitalized interest during construction and all fees associated with financing, coal reserve leasing costs, marketing, training, any and all costs payable under the contract miner agreement, the cost of coal mining equipment and similar costs, and any other costs, including general and administrative costs, not reasonably incurred in connection with the design, construction, testing, start-up, or commissioning of the plant in preparation for commercial production date.

(220 ILCS 5/3-126 new)

Sec. 3-126. Total capitalized asset cost. "Total capitalized asset cost" means the gross book value of the plant, as determined in accordance with generally accepted accounting principles at the commercial production date.

(220 ILCS 5/9-220) (from Ch. 111 2/3, par. 9-220)

Sec. 9-220. Rate changes based on changes in fuel costs.

(a) Notwithstanding the provisions of Section 9-201, the Commission may authorize the increase or decrease of rates and charges based upon changes in the cost of fuel used in the generation or production of electric power, changes in the cost of purchased power, or changes in the cost of purchased gas through the application of fuel adjustment clauses or purchased gas adjustment clauses. The Commission may also authorize the increase or decrease of rates and charges based upon expenditures or revenues resulting from the purchase or sale of emission allowances created under the federal Clean Air Act Amendments of 1990, through such fuel adjustment clauses, as a cost of fuel. For the purposes of this paragraph, cost of fuel used in the generation or production of electric power shall include the amount of any fees paid by the utility for the implementation and operation of a process for the desulfurization of the flue gas when burning high sulfur coal at any location within the State of Illinois irrespective of the attainment status designation of such location; but shall not include transportation costs of coal (i) except to the extent that for contracts entered into on and after the effective date of this amendatory Act of 1997, the cost of the coal, including transportation costs, constitutes the lowest cost for adequate and reliable fuel supply reasonably available to the public utility in comparison to the cost, including transportation costs, of other adequate and reliable sources of fuel supply reasonably available to the public utility, or (ii) except as otherwise provided in the next 3 sentences of this paragraph. Such costs of fuel shall, when requested by a utility or at the conclusion of the utility's next general electric rate proceeding, whichever shall first occur, include transportation costs of coal purchased under existing coal purchase contracts. For purposes of this paragraph "existing coal purchase contracts" means contracts for the purchase of coal in effect on the effective date of this amendatory Act of 1991, as such contracts may thereafter be amended, but only to the extent that any such amendment does not increase the aggregate quantity of coal to be purchased under such contract. Nothing herein shall authorize an electric utility to recover through its fuel adjustment clause any amounts of transportation costs of coal that were included in the revenue requirement used to set base rates in its most

recent general rate proceeding. Cost shall be based upon uniformly applied accounting principles. Annually, the Commission shall initiate public hearings to determine whether the clauses reflect actual costs of fuel, gas, power, or coal transportation purchased to determine whether such purchases were prudent, and to reconcile any amounts collected with the actual costs of fuel, power, gas, or coal transportation prudently purchased. In each such proceeding, the burden of proof shall be upon the utility to establish the prudence of its cost of fuel, power, gas, or coal transportation purchases and costs. The Commission shall issue its final order in each such annual proceeding for an electric utility by December 31 of the year immediately following the year to which the proceeding pertains, provided, that the Commission shall issue its final order with respect to such annual proceeding for the years 1996 and earlier by December 31, 1998.

(b) A public utility providing electric service, other than a public utility described in subsections (e) or (f) of this Section, may at any time during the mandatory transition period file with the Commission proposed tariff sheets that eliminate the public utility's fuel adjustment clause and adjust the public utility's base rate tariffs by the amount necessary for the base fuel component of the base rates to recover the public utility's average fuel and power supply costs per kilowatt-hour for the 2 most recent years for which the Commission has issued final orders in annual proceedings pursuant to subsection (a), where the average fuel and power supply costs per kilowatt-hour shall be calculated as the sum of the public utility's prudent and allowable fuel and power supply costs as found by the Commission in the 2 proceedings divided by the public utility's actual jurisdictional kilowatt-hour sales for those 2 years. Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, the Commission shall review and shall by order approve, or approve as modified, the proposed tariff sheets within 60 days after the date of the public utility's filing. The Commission may modify the public utility's proposed tariff sheets only to the extent the Commission finds necessary to achieve conformance to the requirements of this subsection (b). During the 5 years following the date of the Commission's order, but in any event no earlier than January 1, 2007, a public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file proposed tariff sheets seeking, or otherwise petition the Commission for, reinstatement of a fuel adjustment clause.

(c) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service, other than a public utility described in subsection (e) or (f) of this Section, may at any time during the mandatory transition period file with the Commission proposed tariff sheets that establish the rate per kilowatt-hour to be applied pursuant to the public utility's fuel adjustment clause at the average value for such rate during the preceding 24 months, provided that such average rate results in a credit to customers' bills, without making any revisions to the public utility's base rate tariffs. The proposed tariff sheets shall establish the fuel adjustment rate for a specific time period of at least 3 years but not more than 5 years, provided that the terms and conditions for any reinstatement earlier than 5 years shall be set forth in the proposed tariff sheets and subject to modification or approval by the Commission. The Commission shall review and shall by order approve the proposed tariff sheets if it finds that the requirements of this subsection are met. The Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for the period that the factor established pursuant to this subsection is in effect.

(d) A public utility providing electric service, or a public utility providing gas service may file with the Commission proposed tariff sheets that eliminate the public utility's fuel or purchased gas adjustment clause and adjust the public utility's base rate tariffs to provide for recovery of power supply costs or gas supply costs that would have been recovered through such clause; provided, that the provisions of this subsection (d) shall not be available to a public utility described in subsections (e) or (f) of this Section to eliminate its fuel adjustment clause. Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, the Commission shall review and shall by order approve, or approve as modified in the Commission's order, the proposed tariff sheets within 240 days after the date of the public utility's filing. The Commission's order shall approve rates and charges that the Commission, based on information in the public utility's filing or on the record if a hearing is held by the Commission, finds will recover the reasonable, prudent and necessary jurisdictional power supply costs or gas supply costs incurred or to be incurred by the public utility during a 12 month period found by the Commission to be appropriate for these purposes, provided, that such period shall be either (i) a 12 month historical period occurring during the 15 months ending on the date of the public utility's filing, or (ii) a 12

month future period ending no later than 15 months following the date of the public utility's filing. The public utility shall include with its tariff filing information showing both (1) its actual jurisdictional power supply costs or gas supply costs for a 12 month historical period conforming to (i) above and (2) its projected jurisdictional power supply costs or gas supply costs for a future 12 month period conforming to (ii) above. If the Commission's order requires modifications in the tariff sheets filed by the public utility, the public utility shall have 7 days following the date of the order to notify the Commission whether the public utility will implement the modified tariffs or elect to continue its fuel or purchased gas adjustment clause in force as though no order had been entered. The Commission's order shall provide for any reconciliation of power supply costs or gas supply costs, as the case may be, and associated revenues through the date that the public utility's fuel or purchased gas adjustment clause is eliminated. During the 5 years following the date of the Commission's order, a public utility whose fuel or purchased gas adjustment clause has been eliminated pursuant to this subsection shall not file proposed tariff sheets seeking, or otherwise petition the Commission for, reinstatement or adoption of a fuel or purchased gas adjustment clause. Nothing in this subsection (d) shall be construed as limiting the Commission's authority to eliminate a public utility's fuel adjustment clause or purchased gas adjustment clause in accordance with any other applicable provisions of this Act.

(e) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that eliminate, effective January 1, 1997, the public utility's fuel adjustment clause without adjusting its base rates, and such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months; provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment clause prior to January 1, 2007.

(f) Notwithstanding any contrary or inconsistent provisions in Section 9-201 of this Act, in subsection (a) of this Section, or in any rules or regulations promulgated by the Commission pursuant to subsection (g) of this Section, a public utility providing electric service to more than 500,000 customers but fewer than 1,000,000 customers in this State may, within the first 6 months after the effective date of this amendatory Act of 1997, file with the Commission proposed tariff sheets that eliminate, effective January 1, 1997, the public utility's fuel adjustment clause and adjust its base rates by the amount necessary for the base fuel component of the base rates to recover 91% of the public utility's average fuel and power supply costs for the 2 most recent years for which the Commission, as of January 1, 1997, has issued final orders in annual proceedings pursuant to subsection (a), where the average fuel and power supply costs per kilowatt-hour shall be calculated as the sum of the public utility's prudent and allowable fuel and power supply costs as found by the Commission in the 2 proceedings divided by the public utility's actual jurisdictional kilowatt-hour sales for those 2 years, provided, that such tariff sheets shall be effective upon filing. To the extent the application of the fuel adjustment clause had resulted in net charges to customers after January 1, 1997, the utility shall also file a tariff sheet that provides for a refund stated on a per kilowatt-hour basis of such charges over a period not to exceed 6 months. Provided however, that such refund shall not include the proportional amounts of taxes paid under the Use Tax Act, Service Use Tax Act, Service Occupation Tax Act, and Retailers' Occupation Tax Act on fuel used in generation. The Commission shall issue an order within 45 days after the date of the public utility's filing approving or approving as modified such tariff sheet. If the fuel adjustment clause is eliminated pursuant to this subsection, the Commission shall not conduct the annual hearings specified in the last 3 sentences of subsection (a) of this Section for the utility for any period after December 31, 1996 and prior to any reinstatement of such clause. A public utility whose fuel adjustment clause has been eliminated pursuant to this subsection shall not file a proposed tariff sheet seeking, or otherwise petition the Commission for, reinstatement of the fuel adjustment clause prior to

January 1, 2007.

(g) The Commission shall have authority to promulgate rules and regulations to carry out the provisions of this Section.

(h) Any Illinois gas utility may enter into a contract on or before March 31, 2011 for up to 10 years of supply with any company for the purchase of substitute natural gas (SNG) produced from coal through the gasification process if the company has commenced construction of a coal gasification facility by July 1, 2012 in Jefferson County and commencement of construction shall mean that material physical site work has occurred, such as site clearing and excavation, water runoff prevention, water retention reservoir preparation, or foundation development. The contract shall contain the following provisions: (i) at least 90% of feedstock ~~the only coal~~ to be used in the gasification process shall be coal with a ~~has~~ high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content; (ii) at the time the contract term commences, the price per million Btu may not exceed $7.95 in 2008 dollars, adjusted annually based on the change in the Annual Consumer Price Index for All Urban Consumers for the Midwest Region as published in April by the United States Department of Labor, Bureau of Labor Statistics (or a suitable Consumer Price Index calculation if this Consumer Price Index is not available) for the previous calendar year; provided that the price per million Btu shall not exceed $9.95 at any time during the contract; (iii) the utility's ~~aggregate long-term~~ supply contracts for the purchase of SNG do ~~does~~ not exceed 25% of the annual system supply requirements of the utility as of 2008 and the quantity of SNG supplied to a utility may not exceed 16 million MMBtus per year; and (iv) the contract costs pursuant to subsection (h-10) of this Section shall not include any lobbying expenses, charitable contributions, advertising, organizational memberships, carbon dioxide pipeline or sequestration expenses, or marketing expenses ~~per year~~.

Any gas utility that is providing service to more than 150,000 customers on the effective date of this amendatory Act of the 96th General Assembly shall either elect to enter into a contract on or before March 31, 2011 for 10 years of SNG supply with the owner of a clean coal SNG gasification facility located in Jefferson County or to file biennial rate proceedings before the Commission in the years 2011, 2013, and 2015, with such filings made no later than August 1 of the years 2011, 2013 and 2015 consistent with all requirements of 83 Ill. Adm. Code 255 and 285 as though the gas utility were filing for an increase in its rates, without regard to whether such filing would produce an increase, a decrease, or no change in the gas utility's rates, and the Commission shall review the gas utility's filing and shall issue its order in accordance with the provisions of Section 9-201 of this Act.

Within 7 days after the effective date of this amendatory Act of the 96th General Assembly, the owner of the clean coal SNG facility in Jefferson County shall submit to the Illinois Power Agency and each gas utility that is providing service to more than 150,000 customers on the effective date of this amendatory Act of the 96th General Assembly a copy of a draft contract. Within 30 days after the receipt of the draft contract, each such gas utility shall provide the Illinois Power Agency and the owner of the clean coal SNG facility located in Jefferson County with its comments and recommended revisions to the draft contract. Within 7 days after the receipt of the gas utility's comments and recommended revisions, the owner of the facility shall submit its responsive comments and a further revised draft of the contract to the Illinois Power Agency. The Illinois Power Agency shall review the draft contract and comments.

During its review of the draft contract, the Illinois Power Agency shall:

(1) review and confirm in writing that the terms stated in this subsection (h) are incorporated in the SNG contract;

(2) review and approve the SNG pricing formula included in the contracts, ensuring that the formula, at the time the contract term commences: (A) starts with a price of $6.50 per MMBtu adjusted by the adjusted final capitalized plant cost; (B) takes into account budgeted miscellaneous net revenue after cost allowance, including sale of SNG produced by the clean coal SNG facility located in Jefferson County above the nameplate capacity of the facility and other by-products produced by the facility, as approved by the Illinois Power Agency; (C) does not include carbon dioxide transportation or sequestration expenses; and (D) includes all provisions required under this subsection (h);

(3) review and approve the amount of budgeted miscellaneous net revenue after cost allowance, including sale of SNG produced by the clean coal SNG facility located in Jefferson County above the nameplate capacity of the facility and other by-products produced by the facility, to be included in the pricing formula. The Illinois Power Agency shall approve the amount of budgeted miscellaneous net revenue to be included in the pricing formula if it determines the budgeted amount to be reasonable and accurate; and

(4) allocate the nameplate capacity of the clean coal SNG facility located in Jefferson County by total therms sold to ultimate customers by each gas utility in 2008 and adjusted only as required to take into

account adverse consolidation, derivative, or lease impacts to the balance sheet or income statement of any purchasing utility, while requiring that no utility shall be required to purchase more than 42% of the projected annual output of the facility.

If the parties to the contract do not agree on the terms therein, then the Illinois Power Agency shall retain an independent mediator to mediate the dispute between the parties. If the parties are in agreement on the terms of the contract, then the Illinois Power Agency shall approve the contract. If after mediation the parties have failed to come to agreement, then the Illinois Power Agency shall revise the draft contract as necessary to confirm that the contract contains only terms that are reasonable and equitable. The Illinois Power Agency shall adopt and make public a policy detailing the process for retaining a mediator under this subsection (h). Any mediator retained to mediate disputes between the clean coal SNG facility located in Jefferson County and a gas utility shall be retained no later than 60 days after the effective date of this amendatory Act of the 96th General Assembly.

The Illinois Power Agency shall complete all of its responsibilities under this subsection (h) by March 15, 2011. The clean coal SNG facility located in Jefferson County shall pay a reasonable fee as required by the Illinois Power Agency for its services under this subsection (h) and shall pay the mediator's reasonable fees, if any. A gas utility and its customers shall have no obligation to reimburse the clean coal SNG facility located in Jefferson County or the Illinois Power Agency of any such costs.

Within 30 days after commercial production of SNG has begun, the Commission shall initiate a review to determine: (1) whether the final capitalized plant cost of the clean coal SNG facility located in Jefferson County reflects actual incurred costs and (2) whether such incurred costs were reasonable. In determining the actual incurred costs included in the final capitalized plant cost and the reasonableness of those costs, the Commission may in its discretion retain independent, qualified, and experienced experts to assist in its determination. The expert shall not own or control any direct or indirect interest in the clean coal SNG facility located in Jefferson County and shall have no contractual relationship with the clean coal SNG facility located in Jefferson County. If an expert is retained by the Commission, then the clean coal SNG facility located in Jefferson County shall pay the expert's reasonable fees. The fees shall not be passed on to a utility or its customers. The Commission shall adopt and make public a policy detailing the process for retaining experts under this subsection (h).

Within 30 days after completion of its review, the Commission shall initiate a formal proceeding on the final capitalized plant cost of the clean coal SNG facility located in Jefferson County at which comments and testimony may be submitted by any interested parties and the public. If the Commission finds that the final capitalized plant cost includes costs that were not actually incurred or costs that were unreasonably incurred, then the Commission shall disallow the amount of non-incurred or unreasonable costs from the SNG price under contracts entered into under this subsection (h). If the Commission disallows any costs, then the Commission shall adjust the SNG price using the price formula in the contract approved by the Illinois Power Agency under this subsection (h) to reflect the disallowed costs and shall enter an order specifying the revised price. In addition, the Commission's order shall direct the clean coal SNG facility located in Jefferson County to issue refunds of such sums as shall represent the difference between actual gross revenues and the gross revenue that would have been obtained based upon the same volume, from the price revised by the Commission. Any refund shall include interest calculated at a rate determined by the Commission and shall be returned according to procedures prescribed by the Commission.

Nothing in this subsection (h) shall preclude any party affected by a decision of the Commission under this subsection (h) from seeking judicial review of the Commission's decision.

(h-1) Any Illinois gas utility may enter into a sourcing agreement for up to 30 years of supply with the clean coal SNG brownfield facility if the clean coal SNG brownfield facility has commenced construction. Any gas utility that is providing service to more than 150,000 customers on the effective date of this amendatory Act of the 96th General Assembly shall either elect to file biennial rate proceedings before the Commission in the years 2011, 2013, and 2015 or enter into a sourcing agreement or sourcing agreements with a clean coal SNG brownfield facility for 30 years for either (i) 43,500,000,000 cubic feet per year times a percentage calculated by dividing 100 by the number of utilities entering into sourcing agreements with the clean coal SNG brownfield facility or (ii) such lesser amount as may be available from the clean coal SNG brownfield facility.

Provided, however, that the Illinois Power Agency may allocate the purchase obligations more proportionately based upon total therms sold to ultimate customers, if it is demonstrated with certainty that such alternative allocation will not result in adverse consolidation, derivative, or lease impacts to the balance sheet or income statement of any purchasing utility. In any event, no utility shall be required to purchase more than 42% of the projected annual output of the clean coal SNG brownfield facility, with the

remainder of such utility's obligation to be divided proportionately between the other utilities.

A gas utility electing to file biennial rate proceedings before the Commission must file a notice of its election with the Commission within 60 days after the effective date of this amendatory Act of the 96th General Assembly or its right to make the election is irrevocably waived. A gas utility electing to file biennial rate proceedings shall make such filings no later than August 1 of the years 2011, 2013, and 2015, consistent with all requirements of 83 Ill. Adm. Code 255 and 285 as though the gas utility were filing for an increase in its rates, without regard to whether such filing would produce an increase, a decrease, or no change in the gas utility's rates, and the Commission shall review the gas utility's filing and shall issue its order in accordance with the provisions of Section 9-201 of this Act.

Within 15 days after the effective date of this amendatory Act of the 96th General Assembly, the owner of the clean coal SNG brownfield facility shall submit to the Illinois Power Agency and each gas utility that is providing service to more than 150,000 customers on the effective date of this amendatory Act of the 96th General Assembly a copy of a draft sourcing agreement. Within 45 days after receipt of the draft sourcing agreement, each such gas utility shall provide the Illinois Power Agency and the owner of a clean coal SNG brownfield facility with its comments and recommended revisions to the draft sourcing agreement. Within 15 days after the receipt of the gas utility's comments and recommended revisions, the owner of the clean coal SNG brownfield facility shall submit its responsive comments and a further revised draft of the sourcing agreement to the Illinois Power Agency. The Illinois Power Agency shall review the draft sourcing agreement and comments.

If the parties to the sourcing agreement do not agree on the terms therein, then the Illinois Power Agency shall retain an independent mediator to mediate the dispute between the parties. If the parties are in agreement on the terms of the sourcing agreement, the Illinois Power Agency shall approve the final draft sourcing agreement. If after mediation the parties have failed to come to agreement, then the Illinois Power Agency shall revise the draft sourcing agreement as necessary to confirm that the final draft sourcing agreement contains only terms that are reasonable and equitable. The Illinois Power Agency shall adopt and make public a policy detailing the process for retaining a mediator under this subsection (h-1). Any mediator retained to assist with mediating disputes between the parties regarding the sourcing agreement shall be retained no later than 60 days after the effective date of this amendatory Act of the 96th General Assembly.

Upon approval of a final draft agreement, the Illinois Power Agency shall submit the final draft agreement to the Capital Development Board and the Commission no later than 90 days after the effective date of this amendatory Act of the 96th General Assembly. The gas utility and the clean coal SNG brownfield facility shall pay a reasonable fee as required by the Illinois Power Agency for its services under this subsection (h-1) and shall pay the mediator's reasonable fees, if any. The Illinois Power Agency shall adopt and make public a policy detailing the process for retaining a mediator under this Section.

The sourcing agreement between a gas utility and the clean coal SNG brownfield facility shall contain the following provisions:

(1) Any and all coal used in the gasification process must be coal that has high volatile bituminous rank and greater than 1.7 pounds of sulfur per million Btu content.

(2) Coal and petroleum coke are feedstocks for the gasification process, with coal comprising at least 50% of the total feedstock over the term of the sourcing agreement and with the feedstocks to be procured in accordance with requirements of Section 1-78 of the Illinois Power Agency Act.

(3) The sourcing agreement once entered into terminates no more than 30 years after the commencement of the commercial production of SNG at the clean coal SNG brownfield facility.

(4) The clean coal SNG brownfield facility guarantees a minimum of $100,000,000 in consumer savings, calculated in real 2010 dollars at the conclusion of the term of the sourcing agreement by comparing the delivered SNG price to the Chicago City-gate price on a weighted daily basis for each day over the entire term of the sourcing agreement, to be provided in accordance with subsection (h-2) of this Section.

(5) Prior to the clean coal SNG brownfield facility issuing a notice to proceed to construction, the clean coal SNG brownfield facility shall establish a consumer protection reserve account for the benefit of the customers of the utilities that have entered into sourcing agreements with the clean coal SNG brownfield facility pursuant to this subsection (h-1), with cash principal in the amount of $150,000,000. This cash principal shall only be recoverable through the consumer protection reserve account and not as a cost to be recovered in the delivered SNG price pursuant to subsection (h-3) of this Section. The consumer protection reserve account shall be maintained and administered by an

independent trustee that is mutually agreed upon by the clean coal SNG brownfield facility, the utilities, and the Commission in an interest-bearing account in accordance with subsection (h-2) of this Section.

(6) The clean coal SNG brownfield facility shall identify and sell economically viable by-products produced by the facility.

(7) 50% of all additional net revenue, defined as miscellaneous net revenue after cost allowance for costs associated with additional net revenue that are not otherwise recoverable pursuant to subsection (h-3) of this Section, including net revenue from sales of substitute natural gas derived from the facility above the nameplate capacity of the facility and other by-products produced by the facility, shall be credited to the consumer protection reserve account pursuant to subsection (h-2) of this Section.

(8) The delivered SNG price per million btu to be paid monthly by the utility to the clean coal SNG brownfield facility, which shall be based only upon the following: (A) a capital recovery charge, operations and maintenance costs, and sequestration costs, only to the extent approved by the Commission pursuant to paragraphs (1), (2), and (3) of subsection (h-3) of this Section; (B) the actual delivered and processed fuel costs pursuant to paragraph (4) of subsection (h-3) of this Section; (C) actual costs of SNG transportation pursuant to paragraph (6) of subsection (h-3) of this Section; (D) certain taxes and fees imposed by the federal government, the State, or any unit of local government as provided in paragraph (6) of subsection (h-3) of this Section; and (E) the credit, if any, from the consumer protection reserve account pursuant to subsection (h-2) of this Section. The delivered SNG price per million Btu shall proportionately reflect these elements over the term of the sourcing agreement.

(9) A formula to translate the recoverable costs and charges under subsection (h-3) of this Section into the delivered SNG price per million btu.

(10) Title to the SNG shall pass at a mutually-agreeable point in Illinois, and may provide that, rather than the utility taking title to the SNG, a mutually-agreed upon third-party gas marketer pursuant to a contract approved by the Illinois Power Agency or its designee, may take title to the SNG pursuant to an agreement between the utility, the owner of the clean coal SNG brownfield facility, and the third-party gas marketer.

(11) A utility may exit the sourcing agreement without penalty if the clean coal SNG brownfield facility does not commence construction by July 1, 2014.

(12) A utility is responsible to pay only the Commission determined unit price cost of SNG that is purchased by the utility. Nothing in the sourcing agreement will obligate a utility to invest capital in a clean coal SNG brownfield facility.

(13) The quality of SNG must, at a minimum, be equivalent to the equality required for an interstate pipeline gas before a utility is required to accept and pay for SNG gas.

(14) Nothing in the sourcing agreement will require a utility to construct any facilities to accept delivery of SNG. Provided, however, if a utility is required by law or otherwise elects to connect the clean coal SNG brownfield facility to an interstate pipeline, then the utility shall be entitled to recover pursuant to its tariffs all just and reasonable costs that are prudently incurred. Any costs incurred by the utility to receive, deliver, manage, or otherwise accommodate purchases under the SNG sourcing agreement will be fully recoverable through a utility's purchased gas adjustment clause rider mechanism.

(15) Remedies for the clean coal SNG brownfield facility's failure to deliver a designated amount for a designated period.

(h-2) Consumer protection reserve account. The clean coal SNG brownfield facility shall guarantee a minimum of $100,000,000 in consumer savings, calculated in real 2010 dollars at the conclusion of the term of the sourcing agreement by comparing the delivered SNG price to the Chicago City-gate price on a weighted daily basis for each day over the entire term of the sourcing agreement. Prior to the clean coal SNG brownfield facility issuing a notice to proceed to construction, the clean coal SNG brownfield facility shall establish a consumer protection reserve account for the benefit of the retail customers of the utilities that have entered into sourcing agreements with the clean coal SNG brownfield facility pursuant to subsection (h-1), with cash principal in the amount of $150,000,000. Such cash principal shall only be recovered through the consumer protection reserve account and not as a cost to be recovered in the delivered SNG price pursuant to subsection (h-3) of this Section. The consumer protection reserve account shall be maintained and administered by an independent trustee that is mutually agreed upon by the clean coal SNG brownfield facility, the utilities, and the Commission in an interest-bearing account in accordance with the following:

(1) The clean coal SNG brownfield facility monthly shall calculate the difference

between the monthly delivered SNG price and the Chicago City-gate price, by comparing the delivered SNG price, which shall include the cost of transportation to the delivery point, if any, to the Chicago City-gate price on a weighted daily basis for each day of the prior month based upon a mutually-agreed upon published index.

(2) During the first 2 years of operation of the facility:

(A) to the extent the monthly delivered SNG price, is greater than the Chicago City-gate price, the consumer protection reserve account shall be used to provide a credit to reduce the SNG price by an amount equal to the difference between the monthly delivered SNG price and the Chicago City-gate price; and

(B) to the extent the monthly delivered SNG price is less than or equal to the Chicago City-gate price, the utility shall credit the difference between the monthly delivered SNG price and the monthly Chicago City-gate price, if any, to the consumer protection reserve account. Such credit issued pursuant to this paragraph (B) shall be deemed prudent and reasonable and not subject to a Commission prudence review;

(3) After 2 years of operation of the facility, and monthly, on an on-going basis, thereafter:

(A) to the extent that the monthly delivered SNG price is less than or equal to the Chicago City-gate price, calculated using the weighted average of the daily Chicago City-gate price on a daily basis over the entire month, the utility shall credit the difference, if any, to the consumer protection reserve account. Such credit issued pursuant to this subparagraph (A) shall be deemed prudent and reasonable and not subject to a Commission prudence review;

(B) any amounts in the consumer protection reserve account in excess of $100,000,000 shall be distributed to the clean coal SNG brownfield facility; provided, however, that under no circumstances shall the total cumulative amount distributed to the clean coal SNG brownfield facility under this subparagraph (B) exceed $150,000,000;

(C) to the extent the monthly delivered SNG price is greater than the Chicago City-gate price, after distributing the amounts pursuant to subparagraph (B) of this paragraph (3), if any, the consumer protection reserve account shall be used to provide a credit to reduce the SNG price by an amount equal to the difference between the monthly delivered SNG price and the Chicago City-gate price;

(D) if retail customers have realized net consumer savings, calculated by comparing the delivered SNG price to the weighted average of the daily Chicago City-gate price on a daily basis over the entire term of the sourcing agreement to date, then after distributing the amounts pursuant to subparagraphs (B) and (C) of this paragraph (3), 50% of any additional amounts in the consumer protection reserve account in excess of $100,000,000 shall be distributed to the clean coal SNG brownfield facility, with the remaining 50% of any such additional amounts being credited to retail customers; provided, however, that if retail customers have not realized such net consumer savings, no such distribution shall be made to the clean coal SNG brownfield facility, and 100% of such additional amounts shall be credited to the retail customers to the extent the consumer protection reserve account exceeds $100,000,000.

(4) 50% of all additional net revenue, defined as miscellaneous net revenue after cost allowance for costs associated with additional net revenue that are not otherwise recoverable pursuant to subsection (h-3) of this Section, including net revenue from sales of substitute natural gas derived from the facility above the nameplate capacity of the facility and other by-products produced by the facility, shall be credited to the consumer protection reserve account.

(5) At the conclusion of the term of the sourcing agreement, to the extent retail customers have not saved the minimum of $100,000,000 in consumer savings as guaranteed in this subsection (h-2), amounts in the consumer protection reserve account shall be credited to retail customers to the extent the retail customers have saved the minimum of $100,000,000; 50% of any additional amounts in the consumer protection reserve account shall be distributed to the company, and the remaining 50% shall be distributed to retail customers.

(6) If, at the conclusion of the term of the sourcing agreement, the customers have not saved the minimum $100,000,000 in savings as guaranteed in this subsection (h-2) and the consumer protection reserve account has been depleted, then the clean coal SNG brownfield facility shall be liable for any remaining amount owed to the retail customers to the extent that the customers are provided with the $100,000,000 in savings as guaranteed in this subsection (h-2). The retail customers shall have first priority in recovering that debt above any creditors, except the original senior secured lender to the

extent that the original senior secured lender has any senior secured debt outstanding, including any clean coal SNG brownfield facility parent companies or affiliates.

(7) The clean coal SNG brownfield facility, the utilities, and the trustee shall work together to take commercially reasonable steps to minimize the tax impact of these transactions, while preserving the consumer benefits.

(8) The clean coal SNG brownfield facility shall each month, starting in the facility's first year of commercial operation, file with the Commission, in such form as the Commission shall require, a report as to the consumer protection reserve account. The monthly report must contain the following information:

(A) the extent the monthly delivered SNG price is greater than, less than, or equal to the Chicago City-gate price;

(B) the amount credited or debited to the consumer protection reserve account during the month;

(C) the amounts credited to consumers and distributed to the clean coal SNG brownfield facility during the month;

(D) the total amount of the consumer protection reserve account at the beginning and end of the month;

(E) the total amount of consumer savings to date; and

(F) any other additional information the Commission shall require.

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the clean coal SNG brownfield facility to amend the report within 30 days, and, before or after the termination of the 30-day period, the Commission may examine the trustee of the consumer protection reserve account or the officers, agents, employees, books, records, or accounts of the clean coal SNG brownfield facility and correct such items in the report as upon such examination the Commission may find defective or erroneous. All reports shall be under oath.

All reports made to the Commission by the clean coal SNG brownfield and the contents of the reports shall be open to public inspection and shall be deemed a public record under the Freedom of Information Act. Such reports shall be preserved in the office of the Commission. The Commission shall publish an annual summary of the reports prior to February 1 of the following year. The annual summary shall be made available to the public on the Commission's website and shall be submitted to the General Assembly.

Any facility that fails to file a report required under this paragraph (8) to the Commission within the time specified or to make specific answer to any question propounded by the Commission within 30 days from the time it is lawfully required to do so, or within such further time not to exceed 90 days as may in its discretion be allowed by the Commission, shall pay a penalty of $500 to the Commission for each day it is in default.

Any person who willfully makes any false report to the Commission or to any member, officer, or employee thereof, any person who willfully in a report withholds or fails to provide material information to which the Commission is entitled under this paragraph (8) and which information is either required to be filed by statute, rule, regulation, order, or decision of the Commission or has been requested by the Commission, and any person who willfully aids or abets such person shall be guilty of a Class A misdemeanor.

(h-3) Recoverable costs and revenue by the clean coal SNG brownfield facility.

(1) A capital recovery charge approved by the Commission shall be recoverable by the clean coal SNG brownfield facility under a sourcing agreement. The capital recovery charge shall be comprised of capital costs and a reasonable rate of return. "Capital costs" means costs to be incurred in connection with the construction and development of a facility, as defined Section 1-10 of the Illinois Power Agency Act, and such other costs as the Capital Development Board deems appropriate to be recovered in the capital recovery charge.

(A) Capital costs. The Capital Development Board shall calculate a range of capital costs that it believes would be reasonable for the clean coal SNG brownfield facility to recover under the sourcing agreement. In making this determination, the Capital Development Board shall review the final draft of the sourcing agreement and the rate of return approved by the Commission. In addition, the Capital development Board may: (i) review the facility cost report, if any, of the clean coal SNG brownfield facility; (ii) consult as much as it deems necessary with the clean coal SNG brownfield facility; and (iii) conduct whatever research and investigation it deems necessary.

The Capital Development Board shall retain an engineering expert to assist in

determining both the range of capital costs and the range of operations and maintenance costs that it believes would be reasonable for the clean coal SNG brownfield facility to recover under the sourcing agreement. Provided, however, that such expert shall: (i) not have been involved in the clean coal SNG brownfield facility's facility cost report, if any, (ii) not own or control any direct or indirect interest in the initial clean coal facility; and (iii) have no contractual relationship with the clean coal SNG brownfield facility. In order to qualify as an independent expert, a person or company must have:

(i) direct previous experience conducting front-end engineering and design studies for large-scale energy facilities and administering large-scale energy operations and maintenance contracts, which may be particularized to the specific type of financing associated with the clean coal SNG brownfield facility;

(ii) an advanced degree in economics, mathematics, engineering, or a related area of study;

(iii) ten years of experience in the energy sector, including construction and risk management experience;

(iv) expertise in assisting companies with obtaining financing for large-scale energy projects, which may be particularized to the specific type of financing associated with the clean coal SNG brownfield facility;

(v) expertise in operations and maintenance which may be particularized to the specific type of operations and maintenance associated with the clean coal SNG brownfield facility;

(vi) expertise in credit and contract protocols;

(vii) adequate resources to perform and fulfill the required functions and responsibilities; and

(viii) the absence of a conflict of interest and inappropriate bias for or against an affected gas utility or the clean coal SNG brownfield facility.

The clean coal SNG brownfield facility and the Illinois Power Agency shall cooperate with the Capital Development Board in any investigation it deems necessary. The Capital Development Board shall make its final determination of the range of capital costs confidentially and shall submit that range to the Commission in a confidential filing within 120 days after the effective date of this amendatory Act of the 96th General Assembly. The clean coal SNG brownfield facility shall submit to the Commission its estimate of the capital costs to be recovered under the sourcing agreement. Only after the clean coal SNG brownfield facility has submitted this estimate shall the Commission publicly announce the range of capital costs submitted by the Capital Development Board.

In the event that the estimate submitted by the clean coal SNG brownfield facility is within or below the range submitted by the Capital Development Board, the clean coal SNG brownfield facility's estimate shall be approved by the Commission as the amount of capital costs to be recovered under the sourcing agreement. In the event that the estimate submitted by the clean coal SNG brownfield facility is above the range submitted by the Capital Development Board, the amount of capital costs at the lowest end of the range submitted by the Capital Development Board shall be approved by the Commission as the amount of capital costs to be recovered under the sourcing agreement. Within 15 days after the Capital Development Board has submitted its range and the clean coal SNG brownfield facility has submitted its estimate, the Commission shall approve the capital costs for the clean coal SNG brownfield facility.

The Capital Development Board shall monitor the construction of the clean coal SNG brownfield facility for the full duration of construction to assess potential cost overruns. The Capital Development Board, in its discretion, may retain an expert to facilitate such monitoring. The clean coal SNG brownfield facility shall pay a reasonable fee as required by the Capital Development Board for the Capital Development Board's services under this subsection (h-3) to be deposited into the Capital Development Board Revolving Fund, and such fee shall not be passed through to a utility or its customers. If an expert is retained by the Capital Development Board for monitoring of construction, then the clean coal SNG brownfield facility must pay for the expert's reasonable fees and such costs shall not be passed through to a utility or its customers.

(B) Rate of Return. No later than 30 days after the date on which the Illinois Power Agency submits a final draft sourcing agreement, the Commission shall hold a public hearing to determine the rate of return to be recovered under the sourcing agreement. Rate of return shall be comprised of the clean coal SNG brownfield facility's actual cost of debt, including mortgage-style amortization, and a reasonable return on equity. The Commission shall post notice of the hearing on

its website no later than 10 days prior to the date of the hearing. The Commission shall provide the public and all interested parties, including the gas utilities, the Attorney General, and the Illinois Power Agency, an opportunity to be heard.

In determining the return on equity, the Commission shall select a commercially reasonable return on equity taking into account the return on equity being received by developers of similar facilities in or outside of Illinois, the need to balance an incentive for clean-coal technology with the need to protect ratepayers from high gas prices, the risks being borne by the clean coal SNG brownfield facility in the final draft sourcing agreement, and any other information that the Commission may deem relevant. The Commission may establish a return on equity that varies with the amount of savings, if any, to customers during the term of the sourcing agreement, comparing the delivered SNG price to a daily weighted average price of natural gas, based upon an index. The Illinois Power Agency shall recommend a return on equity to the Commission using the same criteria. Within 60 days after receiving the final draft sourcing agreement from the Illinois Power Agency, the Commission shall approve the rate of return for the clean coal brownfield facility. Within 30 days after obtaining debt financing for the clean coal SNG brownfield facility, the clean coal SNG brownfield facility shall file a notice with the Commission identifying the actual cost of debt.

(2) Operations and maintenance costs approved by the Commission shall be recoverable by the clean coal SNG brownfield facility under the sourcing agreement. The operations and maintenance costs mean costs that have been incurred for the administration, supervision, operation, maintenance, preservation, and protection of the clean coal SNG brownfield facility's physical plant.

The Capital Development Board shall calculate a range of operations and maintenance costs that it believes would be reasonable for the clean coal SNG brownfield facility to recover under the sourcing agreement. In making this determination, the Capital Development Board shall review the final draft of the sourcing agreement and the rate of return approved by the Commission. In addition, the Capital Development Board may: (i) review the facility cost report, if any, of the clean coal SNG brownfield facility; (ii) consult as much as it deems necessary with the clean coal SNG brownfield facility; and (iii) conduct whatever research and investigation it deems necessary. As set forth in subparagraph (A) of paragraph (1) of this subsection (h-3), the Capital Development Board shall retain an independent engineering expert to assist in determining both the range of operations and maintenance costs that it believes would be reasonable for the clean coal SNG brownfield to recover under the sourcing agreement. The clean coal SNG brownfield facility and the Illinois Power Agency shall cooperate with the Capital Development Board in any investigation it deems necessary. The Capital Development Board shall make its final determination of the range of operations and maintenance costs confidentially and shall submit that range to the Commission in a confidential filing within 120 days after the effective date of this amendatory Act of the 96th General Assembly.

The clean coal SNG brownfield facility shall submit to the Commission its estimate of the operations and maintenance costs to be recovered under the sourcing agreement. Only after the clean coal SNG brownfield facility has submitted this estimate shall the Commission publicly announce the range of operations and maintenance costs submitted by the Capital Development Board. In the event that the estimate submitted by the clean coal SNG brownfield facility is within or below the range submitted by the Capital Development Board, the clean coal SNG brownfield facility's estimate shall be approved by the Commission as the amount of operations and maintenance costs to be recovered under the sourcing agreement. In the event that the estimate submitted by the clean coal SNG brownfield facility is above the range submitted by the Capital Development Board, the amount of operations and maintenance costs at the lowest end of the range submitted by the Capital Development Board shall be approved by the Commission as the amount of operations and maintenance costs to be recovered under the sourcing agreement. Within 15 days after the Capital Development Board has submitted its range and the clean coal SNG brownfield facility has submitted its estimate, the Commission shall approve the operations and maintenance costs for the clean coal SNG brownfield facility.

The clean coal SNG brownfield facility shall pay for the independent engineering expert's reasonable fees and such costs shall not be passed through to a utility or its customers. The clean coal SNG brownfield facility shall pay a reasonable fee as required by the Capital Development Board for the Capital Development Board's services under this subsection (h-3) to be deposited into the Capital Development Board Revolving Fund, and such fee shall not be passed through to a utility or its customers.

(3) Sequestration costs approved by the Commission shall be recoverable by the clean coal SNG brownfield facility. "Sequestration costs" means costs to be incurred by the clean coal SNG

brownfield facility in accordance with its Commission-approved carbon capture and sequestration plan to:

(A) capture carbon dioxide;

(B) build, operate, and maintain a sequestration site in which carbon dioxide may be injected;

(C) build, operate, and maintain a carbon dioxide pipeline; and

(D) transport the carbon dioxide to the sequestration site or a pipeline.

The Commission shall assess the prudency of the sequestration costs for the clean coal SNG brownfield facility before construction commences at the sequestration site or pipeline. Any revenues the clean coal SNG brownfield facility receives as a result of the capture, transportation, or sequestration of carbon dioxide shall be first credited against all sequestration costs, with the positive balance, if any, treated as additional net revenue.

The Commission may, in its discretion, retain an expert to assist in its review of sequestration costs. The clean coal SNG brownfield facility shall pay for the expert's reasonable fees if an expert is retained by the Commission, and such costs shall not be passed through to a utility or its customers. Once made, the Commission's determination of the amount of recoverable sequestration costs shall not be increased unless the clean coal SNG brownfield facility can show by clear and convincing evidence that (i) the costs were not reasonably foreseeable; (ii) the costs were due to circumstances beyond the clean coal SNG brownfield facility's control; and (iii) the clean coal SNG brownfield facility took all reasonable steps to mitigate the costs. If the Commission determines that sequestration costs may be increased, the Commission shall provide for notice and a public hearing for approval of the increased sequestration costs.

(4) Actual delivered and processed fuel costs shall be set by the Illinois Power Agency through a SNG feedstock procurement, pursuant to Sections 1-20, 1-77, and 1-78 of the Illinois Power Agency Act, to be performed at least every 5 years and purchased by the clean coal SNG brownfield facility pursuant to feedstock procurement contracts developed by the Illinois Power Agency, with coal comprising at least 50% of the total feedstock over the term of the sourcing agreement and petroleum coke comprising the remainder of the SNG feedstock. If the Commission fails to approve a feedstock procurement plan or fails to approve the results of a feedstock procurement event, then the fuel shall be purchased by the company month-by-month on the spot market and those actual delivered and processed fuel costs shall be recoverable under the sourcing agreement. If a supplier defaults under the terms of a procurement contract, then the Illinois Power Agency shall immediately initiate a feedstock procurement process to obtain a replacement supply, and, prior to the conclusion of that process, fuel shall be purchased by the company month-by-month on the spot market and those actual delivered and processed fuel costs shall be recoverable under the sourcing agreement.

(5) Taxes and fees imposed by the federal government, the State, or any unit of local government applicable to the clean coal SNG brownfield facility, excluding income tax, shall be recoverable by the clean coal SNG brownfield facility under the sourcing agreement to the extent such taxes and fees were not applicable to the facility on the date of this amendatory Act of the 96th General Assembly.

(6) The actual transportation costs, in accordance with the applicable utility's tariffs, and third-party marketer costs incurred by the company, if any, associated with transporting the SNG from the clean coal SNG brownfield facility to the Chicago City-gate to sell such SNG into the natural gas markets shall be recoverable under the sourcing agreement.

(7) Unless otherwise provided, within 30 days after a decision of the Commission on recoverable costs under this Section, any interested party to the Commission's decision may apply for a rehearing with respect to the decision. The Commission shall receive and consider the application for rehearing and shall grant or deny the application in whole or in part within 20 days after the date of the receipt of the application by the Commission. If no rehearing is applied for within the required 30 days or an application for rehearing is denied, then the Commission decision shall be final. If an application for rehearing is granted, then the Commission shall hold a rehearing within 30 days after granting the application. The decision of the Commission upon rehearing shall be final.

Any person affected by a decision of the Commission under this subsection (h-3) may have the decision reviewed only under and in accordance with the Administrative Review Law. Unless otherwise provided, the provisions of the Administrative Review Law, all amendments and modifications to that Law, and the rules adopted pursuant to that Law shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Commission under this

subsection (h-3). The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(8) The Capital Development Board shall adopt and make public a policy detailing the process for retaining experts under this Section. Any experts retained to assist with calculating the range of capital costs or operations and maintenance costs shall be retained no later than 45 days after the effective date of this amendatory Act of the 96th General Assembly.

(h-4) No later than 60 days after the Illinois Power Agency submits the final draft sourcing agreement pursuant to subsection (h-1), the Commission shall approve a sourcing agreement containing the capital costs, rate of return, and operations and maintenance costs. Once the sourcing agreement is approved, then the gas utility subject to that sourcing agreement shall have 45 days after the date of the Commission's approval to enter into the sourcing agreement.

(h-5) The Attorney General, on behalf of the people of the State of Illinois, may specifically enforce the requirements of this subsection (h-5). Sourcing ~~All contracts under subsection (h) of this Act and all sourcing~~ agreements under subsection (h-1) of this Act, regardless of duration, shall require the owner of any facility supplying SNG under the ~~contract or~~ sourcing agreement to provide documentation to the Commission each year, starting in the facility's first year of commercial operation, accurately reporting the quantity of carbon dioxide emissions from the facility that have been captured and sequestered and reporting any quantities of carbon dioxide released from the site or sites at which carbon dioxide emissions were sequestered in prior years, based on continuous monitoring of those sites. ~~If, in any year, the owner of the facility described in subsection (h) of this Act fails to demonstrate that the facility captured and sequestered at least 90% of the total carbon dioxide emissions that the facility would otherwise emit or that sequestration of emissions from prior years has failed, resulting in the release of carbon dioxide into the atmosphere, then the owner of the facility must offset excess emissions. Any such carbon dioxide offsets must be permanent, additional, verifiable, real, located within the State of Illinois, and legally and practicably enforceable; provided that the owner of the facility described in subsection (h) of this Act shall not be obligated to acquire carbon dioxide emission offsets to the extent that the cost of acquiring such offsets would exceed $40 million in any given year. No costs of any purchases of carbon offsets may be recovered from a utility or its customers. All carbon offsets purchased for this purpose must be permanently retired.~~

If, in any year, the owner of a clean coal SNG brownfield facility fails to demonstrate that the clean coal SNG brownfield facility captured and sequestered at least 85% of the total carbon dioxide emissions that the facility would otherwise emit, then the owner of the clean coal SNG brownfield facility must pay a penalty of $20 per ton of excess carbon emissions up to $20,000,000, which shall be deposited into the Energy Efficiency Trust Fund and distributed pursuant to subsection (b) of Section 6-6 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997. Provided, however, to the extent that the owner of the clean coal SNG brownfield facility can demonstrate that the failure was as a result of acts of God (including fire, flood, earthquake, tornado, lightning, hurricane, or other natural disaster); any amendment, modification, or abrogation of any applicable law or regulation that would prevent performance; war; invasion; act of foreign enemies; hostilities (regardless of whether war is declared); civil war; rebellion; revolution; insurrection; military or usurped power or confiscation; terrorist activities; civil disturbances; riots; nationalization; sabotage; blockage; or embargo, the owner of the clean coal SNG brownfield facility shall not be subject to a penalty if and only if (i) it promptly provides notice of its failure to the Commission; (ii) as soon as practicable and consistent with any order or direction from the Commission, it submits to the Commission proposed modifications to its carbon capture and sequestration plan; and (iii) it carries out its proposed modifications in the manner and time directed by the Commission. If the Commission finds that the facility has not satisfied each of these requirements, then the facility shall be subject to the penalty. If the owner of a clean coal SNG brownfield facility demonstrates that the clean coal SNG brownfield facility captured and sequestered more than 85% of the total carbon emissions that the facility would otherwise emit, the owner of the clean coal SNG brownfield facility may credit such additional amounts to reduce the amount of any future penalty to be paid. The penalty resulting from the failure to capture and sequester at least the minimum amount of carbon dioxide shall not be passed on to a utility or its customers.

In addition to any penalty for the clean coal SNG brownfield facility's failure to capture and sequester at least its minimum sequestration requirement, the Attorney General, on behalf of the People of the State of Illinois, shall bring an action for specific performance of this subsection (h-5). Such action may be filed in any circuit court in Illinois. By entering into a sourcing agreement pursuant to subsection (h-1) of this Section, the clean coal SNG brownfield facility agrees to waive any objections to venue or to the

jurisdiction of the court with regard to the Attorney General's action for specific performance under this subsection (h-5).

~~In addition, carbon dioxide emission credits equivalent to 50% of the amount of credits associated with the required sequestration of carbon dioxide from the facility must be permanently retired. Compliance with the sequestration requirements and the offset purchase requirements specified in this subsection (h-5) for the facility described in subsection (h) of this Act shall be assessed annually by an independent expert retained by the owner of the facility described in subsection (h) of this Act, with the advance written approval of the Attorney General.~~ Compliance with the sequestration requirements and penalty requirements specified in this subsection (h-5) for the clean coal SNG brownfield facility shall be assessed annually by the Commission, which may in its discretion retain an expert to facilitate its assessment. If an expert is retained by the Commission, then the clean coal SNG brownfield facility shall pay for the expert's reasonable fees, and such costs shall not be passed through to a utility or its customers. A SNG facility operating pursuant to this subsection (h-5) shall not forfeit its designation as ~~a clean coal SNG facility or~~ a clean coal SNG brownfield facility if the facility fails to fully comply with the applicable carbon sequestration requirements in any given year, provided the requisite ~~offsets are purchased or requisite~~ penalties are paid.

Responsibility for compliance with the sequestration requirements specified in this subsection (h-5) for the clean coal SNG brownfield facility shall reside solely with the clean coal SNG brownfield facility regardless of whether the facility has contracted with another party to capture, transport, or sequester carbon dioxide.

(h-6) The Attorney General, on behalf of the people of the State of Illinois, may specifically enforce the requirements of this subsection (h-6). All contracts, regardless of duration, shall require the owner of any facility supplying SNG under the contract to provide documentation to the Commission each year, starting in the facility's first year of commercial operation, accurately reporting the quantity of carbon dioxide emissions from the facility that have been captured and sequestered and reporting any quantities of carbon dioxide released from the site or sites at which carbon dioxide emissions were sequestered in prior years, based on continuous monitoring of those sites.

If, in any year, the owner of the clean coal SNG facility located in Jefferson County fails to demonstrate that the SNG facility captured and sequestered at least 90% of the total carbon dioxide emissions that the facility would otherwise emit or that sequestration of emissions from prior years has failed, resulting in the release of carbon dioxide into the atmosphere, then the owner of the clean coal SNG facility located in Jefferson County must pay a penalty of $20 per ton of excess carbon emissions up to $20,000,000, which shall be deposited into the Energy Efficiency Trust Fund and distributed pursuant to the subsection (b) of Section 6-6 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997. Provided, however, to the extent that the owner of the facility described in subsection (h) of this Act can demonstrate that the failure was as a result of acts of God, (including fire, flood, earthquake, tornado, lightning, hurricane, or other natural disaster); any amendment, modification, or abrogation of any applicable law or regulation that would prevent performance; war; invasion; act of foreign enemies; hostilities (regardless of whether war is declared); civil war; rebellion; revolution; insurrection; military or usurped power or confiscation; terrorist activities; civil disturbance; riots; nationalization; sabotage; blockage; or embargo, the owner of the facility described in subsection (h) of this Act shall not be subject to a penalty if and only if (i) it promptly provides notice of its failure to the Commission; (ii) as soon as practicable and consistent with any order or direction from the Commission, it submits to the Commission proposed modifications to its carbon capture and sequestration plan; and (iii) it carries out its proposed modifications in the manner and time directed by the Commission.

If the Commission finds that the facility has not satisfied each of these requirements, then the facility shall be subject to the penalty. If the owner of the clean coal SNG facility located in Jefferson County captured and sequestered more than 90% of the total carbon emissions that the facility would otherwise emit, then the owner of the facility may credit such additional amounts to reduce the amount of any future penalty to be paid. The penalty resulting from the failure to capture and sequester at least the minimum amount of carbon dioxide shall not be passed on to a utility or its customers.

In addition to any penalty for the clean coal facility located in Jefferson County failing to capture and sequester at least its minimum sequestration requirement, the Attorney General, on behalf of the People of the State of Illinois, shall bring an action for specific performance of this subsection (h-6). Such action may be filed in any circuit court in Illinois. By entering into a contract pursuant to subsection (h) of this Section, the clean coal SNG facility located in Jefferson County agrees to waive any objections to venue or to the jurisdiction of the court with regard to the Attorney General's action for specific performance under this

subsection (h-6).

Compliance with the sequestration requirements and any penalty requirements specified in this subsection (h-6) for the clean coal SNG facility located in Jefferson County shall be assessed annually by the Commission, which may in its discretion retain an expert to facilitate its assessment. If any expert is retained by the Commission, then the clean coal SNG facility located in Jefferson County shall pay for the expert's reasonable fees, and such costs shall not be passed through to the utility or its customers.

In addition, carbon dioxide emission credits received by the clean coal SNG facility located in Jefferson County in connection with sequestration of carbon dioxide from the facility must be sold in a timely fashion with any revenue, less applicable fees and expenses and any expenses required to be paid by facility for carbon dioxide transportation or sequestration, deposited into the reconciliation account within 30 days after receipt of such funds by the owner of the clean coal SNG facility located in Jefferson County.

The clean coal SNG facility located in Jefferson County is prohibited from transporting or sequestering carbon dioxide unless the owner of the carbon dioxide pipeline that transfers the carbon dioxide from the facility and the owner of the sequestration site where the carbon dioxide captured by the facility is stored has acquired all applicable permits under applicable State and federal laws, statutes, rules, or regulations prior to the transfer or sequestration of carbon dioxide. The responsibility for compliance with the sequestration requirements specified in this subsection (h-6) for the clean coal SNG facility located in Jefferson County shall reside solely with the clean coal SNG facility located in Jefferson County regardless of the whether the facility has contracted with another party to capture, transport or sequester carbon dioxide.

(h-7) Sequestration permitting, oversight, and investigations.

(1) No clean coal facility or clean coal SNG brownfield facility may transport or sequester carbon dioxide unless the Commission approves the method of carbon dioxide transportation or sequestration. Such approval shall be required regardless of whether the facility has contracted with another to transport or sequester the carbon dioxide. Nothing in this subsection (h-7) shall release the owner or operator of a carbon dioxide sequestration site or carbon dioxide pipeline from any other permitting requirements under applicable State and federal laws, statutes, rules, or regulations.

(2) The Commission shall review carbon dioxide transportation and sequestration methods proposed by a clean coal facility or a clean coal SNG brownfield facility and shall approve those methods it deems reasonable and cost-effective. For purposes of this review, "cost-effective" means a commercially reasonable price for similar carbon dioxide transportation or sequestration techniques. In determining whether sequestration is reasonable and cost-effective, the Commission may consult with the Illinois State Geological Survey and retain third parties to assist in its determination, provided that such third parties shall not own or control any direct or indirect interest in the facility that is proposing the carbon dioxide transportation or the carbon dioxide sequestration method and shall have no contractual relationship with that facility. If a third party is retained by the Commission, then the facility proposing the carbon dioxide transportation or sequestration method shall pay for the expert's reasonable fees, and these costs shall not be passed through to a utility or its customers.

No later than 6 months prior to the date upon which the owner intends to commence construction of a clean coal facility or the clean coal SNG brownfield facility, the owner of the facility shall file with the Commission a carbon dioxide transportation or sequestration plan. The Commission shall hold a public hearing within 30 days after receipt of the facility's carbon dioxide transportation or sequestration plan. The Commission shall post notice of the review on its website upon submission of a carbon dioxide transportation or sequestration method and shall accept written public comments. The Commission shall take the comments into account when making its decision.

The Commission may not approve a carbon dioxide sequestration method if the owner or operator of the sequestration site has not received (i) an Underground Injection Control permit from the Illinois Environmental Protection Agency pursuant to the Environmental Protection Act; (ii) an Underground Injection Control permit from the Illinois Department of Natural Resources pursuant to the Illinois Oil and Gas Act; or (iii) a permit similar to items (i) or (ii) from the state in which the sequestration site is located if the sequestration will take place outside of Illinois. The Commission shall approve or deny the carbon dioxide transportation or sequestration method within 90 days after the receipt of all required information.

(3) At least annually, the Illinois Environmental Protection Agency shall inspect all carbon dioxide sequestration sites in Illinois. The Illinois Environmental Protection Agency may, as often as deemed necessary, monitor and conduct investigations of those sites. The owner or operator of the sequestration site must cooperate with the Illinois Environmental Protection Agency investigations of

carbon dioxide sequestration sites.

If the Illinois Environmental Protection Agency determines at any time a site creates conditions that warrant the issuance of a seal order under Section 34 of the Environmental Protection Act, then the Illinois Environmental Protection Agency shall seal the site pursuant to the Environmental Protection Act. If the Illinois Environmental Protection Agency determines at any time a carbon dioxide sequestration site creates conditions that warrant the institution of a civil action for an injunction under Section 43 of the Environmental Protection Act, then the Illinois Environmental Protection Agency shall request the State's Attorney or the Attorney General institute such action. The Illinois Environmental Protection Agency shall provide notice of any such actions as soon as possible on its website. The SNG facility shall incur all reasonable costs associated with any such inspection or monitoring of the sequestration sites, and these costs shall not be recoverable from utilities or their customers.

(4) At least annually, the Commission shall inspect all carbon dioxide pipelines in Illinois that transport carbon dioxide to ensure the safety and feasibility of those pipelines. The Commission may, as often as deemed necessary, monitor and conduct investigations of those pipelines. The owner or operator of the pipeline must cooperate with the Commission investigations of the carbon dioxide pipelines.

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 shall provide notice of any such actions as soon as possible on its website. The SNG facility shall incur all reasonable costs associated with any such inspection or monitoring of the sequestration sites, and these costs shall not be recoverable from a utility or its customers.

(h-9) The clean coal SNG brownfield facility shall have the right to recover prudently incurred increased costs or reduced revenue resulting from any new or amendatory legislation or other action. The State of Illinois pledges that the State will not enact any law or take any action to:

(1) break, or repeal the authority for, sourcing agreements approved by the Commission and entered into between public utilities and the clean coal SNG brownfield facility;

(2) deny public utilities full cost recovery for their costs incurred under those sourcing agreements; or

(3) deny the clean coal SNG brownfield facility full cost and revenue recovery as provided under those sourcing agreements that are recoverable pursuant to subsection (h-3) of this Section.

These pledges are for the benefit of the parties to those sourcing agreements and the issuers and holders of bonds or other obligations issued or incurred to finance or refinance the clean coal SNG brownfield facility. The clean coal SNG brownfield facility is authorized to include and refer to these pledges in any financing agreement into which it may enter in regard to those sourcing agreements.

The State of Illinois retains and reserves all other rights to enact new or amendatory legislation or take any other action, without impairment of the right of the clean coal SNG brownfield facility to recover prudently incurred increased costs or reduced revenue resulting from the new or amendatory legislation or other action, including, but not limited to, such legislation or other action that would (i) directly or indirectly raise the costs the clean coal SNG brownfield facility must incur; (ii) directly or indirectly place additional restrictions, regulations, or requirements on the clean coal SNG brownfield facility; (iii) prohibit sequestration in general or prohibit a specific sequestration method or project; or (iv) increase minimum sequestration requirements for the clean coal SNG brownfield facility to the extent technically feasible. The clean coal SNG brownfield facility shall have the right to recover prudently incurred increased costs or reduced revenue resulting from the new or amendatory legislation or other action as described in this subsection (h-9).

(h-10) Contract costs for SNG incurred by an Illinois gas utility are reasonable and prudent and recoverable through the purchased gas adjustment clause and are not subject to review or disallowance by the Commission. Contract costs are costs incurred by the utility under the terms of a contract that incorporates the terms stated in subsection (h) of this Section as confirmed in writing by the Illinois Power Agency as set forth in subsection (h) ~~(h-20)~~ of this Section, which confirmation shall be deemed conclusive, or as a consequence of or condition to its performance under the contract, including (i) amounts

paid for SNG under the SNG contract and (ii) costs of transportation and storage services of SNG purchased from interstate pipelines under federally approved tariffs. Any contract, the terms of which have been confirmed in writing by the Illinois Power Agency as set forth in subsection (h) ~~(h-20)~~ of this Section and the performance of the parties under such contract cannot be grounds for challenging prudence or cost recovery by the utility through the purchased gas adjustment clause, and in such cases, the Commission is directed not to consider, and has no authority to consider, any attempted challenges.

The contracts entered into by Illinois gas utilities pursuant to subsection (h) of this Section shall provide that the utility retains the right to terminate the contract without further obligation or liability to any party if the contract has been impaired as a result of any legislative, administrative, judicial, or other governmental action that is taken that eliminates all or part of the prudence protection of this subsection (h-10) or denies the recoverability of all or part of the contract costs through the purchased gas adjustment clause. Should any Illinois gas utility exercise its right under this subsection (h-10) to terminate the contract, all contract costs incurred prior to termination are and will be deemed reasonable, prudent, and recoverable as and when incurred and not subject to review or disallowance by the Commission. Any order, issued by the State requiring or authorizing the discontinuation of the merchant function, defined as the purchase and sale of natural gas by an Illinois gas utility for the ultimate consumer in its service territory shall include provisions necessary to prevent the impairment of the value of any contract hereunder over its full term.

(h-11) All costs incurred by an Illinois gas utility in procuring SNG, including procuring SNG from a clean coal SNG brownfield facility or a third-party marketer pursuant to subsection (h-1), are reasonable and prudent and recoverable through the purchased gas adjustment clause and are not subject to review or disallowance by the Commission. Sourcing agreement costs are costs incurred by the utility under the terms of a sourcing agreement that incorporates the terms stated in subsection (h-1) of this Section as approved by the Commission as set forth in subsection (h-4) of this Section, which approval shall be deemed conclusive, or as a consequence of or condition to its performance under the contract, including (i) amounts paid for SNG under the SNG contract and (ii) costs of transportation and storage services of SNG purchased from interstate pipelines under federally approved tariffs. Any sourcing agreement, the terms of which have been approved by the Commission as set forth in subsection (h-4) of this Section, and the performance of the parties under the sourcing agreement cannot be grounds for challenging prudence or cost recovery by the utility through the purchased gas adjustment clause, and in these cases, the Commission is directed not to consider, and has no authority to consider, any attempted challenges.

(h-15) Reconciliation account. The clean coal SNG facility located in Jefferson County shall establish a reconciliation account for the benefit of the retail customers of the utilities that have entered into contracts with the clean coal SNG facility located in Jefferson County pursuant to subsection (h). The reconciliation account shall be maintained and administered by an independent trustee that is mutually agreed upon by the owners of the clean coal SNG facility located in Jefferson County, the utilities, and the Commission in an interest-bearing account in accordance with the following:

(1) The clean coal SNG facility located in Jefferson County shall conduct an analysis annually within 60 days after receiving the necessary cost information, which shall be provided by the gas utility within 6 months after the end of the preceding calendar year, to determine (i) the average annual contract SNG cost, which shall be calculated as the total amount paid for SNG purchased from the clean coal SNG facility located in Jefferson County over the preceding 12 months, plus the cost to the utility of the required transportation and storage services of SNG, divided by the total number of MMBtus of SNG actually purchased from the clean coal SNG facility located in Jefferson County in the preceding 12 months under the utility contract; (ii) the average annual natural gas purchase cost, which shall be calculated as the total annual supply costs paid for natural gas (excluding any SNG) purchased by such utility over the preceding 12 months plus the costs of transportation and storage services of such natural gas (excluding such costs for SNG), divided by the total number of MMbtus of natural gas (excluding SNG) actually purchased by the utility during the year; (iii) the cost differential, which shall be the difference between the average annual contract SNG cost and the average annual natural gas purchase cost; and (iv) the revenue share target which shall be the cost differential multiplied by the total amount of SNG purchased over the preceding 12 months under such utility contract.

(A) To the extent the annual average contract SNG cost is less than the annual average natural gas purchase cost the utility shall credit an amount equal to the revenue share target to the reconciliation account. Such credit payment shall be made within 30 days after the completed analysis in this subsection (h-15) and pursuant to this subparagraph (A) shall be deemed prudent and reasonable and not subject to Commission prudence review.

(B) To the extent the annual average contract SNG cost is greater than the annual average natural

gas purchase cost the reconciliation account shall be used to provide a credit equal to the revenue share target to the utilities to be used to reduce the utility's natural gas costs through the purchased gas adjustment clause. Such payment shall be made within 30 days after the completed analysis pursuant to this subsection (h-15).

(2) At the conclusion of the term of the SNG contracts pursuant to subsection (h) and the completion of the final annual analysis pursuant to this subsection (h-15), to the extent the facility owes any amount to retail customers, amounts in the account shall be credited to retail customers to the extent the owed amount is repaid; 50% of any additional amount in the reconciliation account shall be distributed to the utilities to be used to reduce the utilities' natural gas costs through the purchase gas adjustment clause with the remaining amount distributed to the clean coal SNG facility located in Jefferson County. Such payment shall be made within 30 days after the last completed analysis pursuant to this subsection (h-15). If the facility has repaid all owed amounts, if any, to retail customers and has distributed 50% of any additional amount in the account to the utilities, then the owners of the clean coal SNG facility located in Jefferson County shall have no further obligation to the utility or the retail customers.

If, at the conclusion of the term of the contracts pursuant to subsection (h) and the completion of the final annual analysis pursuant to this subsection (h-15), the facility owes any amount to retail customers and the account has been depleted, then the clean coal SNG facility located in Jefferson County shall be liable for any remaining amount owed to the retail customers. The clean coal SNG facility located in Jefferson County shall market the daily production of SNG and distribute on a monthly basis 5% of the amounts collected with respect to such future sales to the utilities in proportion to each utility's SNG contract to be used to reduce the utility's natural gas costs through the purchase gas adjustment clause; such payments to the utility shall continue until either 15 years after the conclusion of the contract or such time as the sum of such payments equals the remaining amount owed to the retail customers at the end of the contract, whichever is earlier. If the debt to the retail customers is not repaid within 15 years after the conclusion of the contract, then the owner of the clean coal SNG facility located in Jefferson County must sell the facility, and all proceeds from that sale must be used to repay any amount owed to the retail customers under this subsection (h-15).

The retail customers shall have first priority in recovering that debt above any creditors, except the secured lenders to the extent that the secured lenders have any secured debt outstanding, including any parent companies or affiliates of the clean coal SNG facility located in Jefferson County.

(3) 50% of all additional net revenue, defined as miscellaneous net revenue after cost allowance and above the budgeted estimate established for revenue pursuant to subsection (h), including sale of substitute natural gas derived from the clean coal SNG facility located in Jefferson County above the nameplate capacity of the facility and other by-products produced by the facility, shall be credited to the reconciliation account on an annual basis with such payment made within 30 days after the end of each calendar year during the term of the contract.

(4) The clean coal SNG facility located in Jefferson County shall each year, starting in the facility's first year of commercial operation, file with the Commission, in such form as the Commission shall require, a report as to the reconciliation account. The annual report must contain the following information:

(A) the revenue share target amount;

(B) the amount credited or debited to the reconciliation account during the year;

(C) the amount credited to the utilities to be used to reduce the utilities natural gas costs though the purchase gas adjustment clause;

(D) the total amount of reconciliation account at the beginning and end of the year;

(E) the total amount of consumer saving to date; and

(F) any additional information the Commission may require.

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the clean coal SNG facility located in Jefferson County to amend the report within 30 days; before or after the termination of the 30-day period, the Commission may examine the trustee of the reconciliation account or the officers, agents, employees, books records, or accounts of the clean coal SNG facility located in Jefferson County and correct such items in the report as upon such examination the Commission may find defective or erroneous. All reports shall be under oath.

All reports made to the Commission by the clean coal SNG faculty located in Jefferson County and the contents of the reports shall be open to public inspection and shall be deemed a public record under the Freedom of Information Act. Such reports shall be preserved in the office of the Commission. The Commission shall publish an annual summary of the reports prior to February 1 of the following year. The annual summary shall be made available to the public on the Commission's website and shall be submitted

to the General Assembly.

Any facility that fails to file the report required under this paragraph (4) to the Commission within the time specified or to make specific answer to any question propounded by the Commission within 30 days after the time it is lawfully required to do so, or within such further time not to exceed 90 days as may be allowed by the Commission in its discretion, shall pay a penalty of $500 to the Commission for each day it is in default.

Any person who willfully makes any false report to the Commission or to any member, officer, or employee thereof, any person who willfully in a report withholds or fails to provide material information to which the Commission is entitled under this paragraph (4) and which information is either required to be filed by statute, rule, regulation, order, or decision of the Commission or has been requested by the Commission, and any person who willfully aids or abets such person shall be guilty of a Class A misdemeanor. ~~With respect to each contract entered into by the company with an Illinois utility in accordance with the terms stated in subsection (h) of this Section, within 60 days following the completion of purchases of SNG, the Illinois Power Agency shall conduct an analysis to determine (i) the average contract SNG cost, which shall be calculated as the total amount paid to a company for SNG over the contract term, plus the cost to the utility of the required transportation and storage services of SNG, divided by the total number of MMBtus of SNG actually purchased under the utility contract; (ii) the average natural gas purchase cost, which shall be calculated as the total annual supply costs paid for natural gas (excluding SNG) purchased by such utility over the contract term, plus the costs of transportation and storage services of such natural gas (excluding such costs for SNG), divided by the total number of MMBtus of natural gas (excluding SNG) actually purchased by the utility during the contract term; (iii) the cost differential, which shall be the difference between the average contract SNG cost and the average natural gas purchase cost; and (iv) the revenue share target, which shall be the cost differential multiplied by the total amount of SNG purchased under such utility contract. If the average contract SNG cost is equal to or less than the average natural gas purchase cost, then the company shall have no further obligation to the utility. If the average contract SNG cost for such SNG contract is greater than the average natural gas purchase cost for such utility, then the company shall market the daily production of SNG and distribute on a monthly basis 5% of amounts collected with respect to such future sales to the utilities in proportion to each utility's SNG purchases from the company during the term of the SNG contract to be used to reduce the utility's natural gas costs through the purchased gas adjustment clause; such payments to the utility shall continue until such time as the sum of such payments equals the revenue share target of that utility. The company or utilities shall have no obligation to repay the revenue share target except as provided for in this subsection (h-15).~~

(h-20) The General Assembly authorizes the Illinois Finance Authority to issue bonds to the maximum extent permitted to finance coal gasification facilities described in this Section, which constitute both "industrial projects" under Article 801 of the Illinois Finance Authority Act and "clean coal and energy projects" under Sections 825-65 through 825-75 of the Illinois Finance Authority Act.

Administrative costs incurred by the Illinois Finance Authority in performance of this subsection (h-20) shall be subject to reimbursement by the clean coal SNG facility located in Jefferson County on terms as the Illinois Finance Authority and the clean coal SNG facility located in Jefferson County may agree. The utility and its customers shall have no obligation to reimburse the clean coal SNG facility located in Jefferson County or the Illinois Finance Authority of any such costs. ~~The General Assembly authorizes the Illinois Finance Authority to issue bonds to the maximum extent permitted to finance coal gasification facilities described in this Section, which constitute both "industrial projects" under Article 801 of the Illinois Finance Authority Act and "clean coal and energy projects" under Sections 825-65 through 825-75 of the Illinois Finance Authority Act. The General Assembly further authorizes the Illinois Power Agency to become party to agreements and take such actions as necessary to enable the Illinois Power Agency or its designate to (i) review and confirm in writing that the terms stated in subsection (h) of this Section are incorporated in the SNG contract, and (ii) conduct an analysis pursuant to subsection (h-15) of this Section. Administrative costs incurred by the Illinois Finance Authority and Illinois Power Agency in performance of this subsection (h-20) shall be subject to reimbursement by the company on terms as the Illinois Finance Authority, the Illinois Power Agency, and the company may agree. The utility and its customers shall have no obligation to reimburse the company, the Illinois Finance Authority, or the Illinois Power Agency for any such costs.~~

(h-25) The State of Illinois pledges that the State may not enact any law or take any action to (1) break or repeal the authority for SNG purchase contracts entered into between public gas utilities and the clean coal SNG facility located in Jefferson County pursuant to subsection (h) of this Section or (2) deny public gas

utilities their full cost recovery for contract costs, as defined in subsection (h-10), that are incurred under such SNG purchase contracts. These pledges are for the benefit of the parties to such SNG purchase contracts and the issuers and holders of bonds or other obligations issued or incurred to finance or refinance the clean coal SNG facility located in Jefferson County. The beneficiaries are authorized to include and refer to these pledges in any finance agreement into which they may enter in regard to such contracts.

(h-30) The State of Illinois retains and reserves all other rights to enact new or amendatory legislation or take any other action, including, but not limited to, such legislation or other action that would (1) directly or indirectly raise the costs that the clean coal SNG facility must incur; (2) directly or indirectly place additional restrictions, regulations, or requirements on the clean coal SNG facility; (3) prohibit sequestration in general or prohibit a specific sequestration method or project; or (4) increase minimum sequestration requirements.

(i) If a gas utility or an affiliate of a gas utility has an ownership interest in any entity that produces or sells synthetic natural gas, Article VII of this Act shall apply.

(Source: P.A. 95-1027, eff. 6-1-09; 96-1364, eff. 7-28-10; 09600SB3388ham001, ham002, and ham003.)

Section 95.Rulemaking. The Illinois Power Agency and the Commission shall have rulemaking authority to implement the provisions of this amendatory Act of the 96th General Assembly.

Section 97. Inseverability. The provisions of this Act are mutually dependent and inseverable. If any provision is held invalid, then this entire Act, including all new and amendatory provisions, is invalid.

Section 99. Effective date. This Act takes effect upon becoming law or on the effective date of Senate Bill 3388 of the 96th General Assembly, whichever is later.".

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 International Trade & Commerce on January 5, 2011, HOUSE RESOLUTION 1570 was taken up for consideration.

Representative Mendoza moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

HOUSE BILL ON SECOND READING

HOUSE BILL 1515. Having been read by title a second time on January 4, 2011, and held on the order of Second Reading, the same was again taken up.

Representative Howard offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1515 by replacing everything after the enacting clause with the following:

"Section 5. The Charitable Trust Stabilization Act is amended by changing Sections 5 and 10 as follows:

(30 ILCS 790/5)

Sec. 5. The Charitable Trust Stabilization Fund.

(a) The Charitable Trust Stabilization Fund is created as a special fund in the State treasury. From appropriations from the Fund, the Charitable Trust Stabilization Committee shall make grants and loans to public and private entities in the State for the purposes set forth under subsection (b). Special attention shall be given to public and private entities with operating budgets of less than $1,000,000, and preference for grants or loans may be given to these entities by the Committee. Moneys received for the purposes of this Section, including, without limitation, fees collected under subsection (m) of Section 115.10 of the General Not For Profit Corporation Act of 1986 and appropriations, gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earnings that are attributable to moneys in the Fund must be deposited into the Fund.

(b) Moneys in the Fund may be used only for the following purposes:

(1) short-term, low-interest loans to participating organizations that experience temporary cash-flow shortages;

(2) business loans to participating organizations for the purpose of expanding their

capacity or operations;

(3) grants for the start-up or operational purposes of participating organizations; and

(4) the administration of the Fund and this Act.

(c) Moneys in the Fund must be allocated as follows:

(1) 20% of the amount deposited into the Fund in the fiscal year must be set aside for the operating budget of the Fund and Committee for the next fiscal year, but the operating budget of the Fund and Committee may not exceed $4,000,000 in any fiscal year;

(2) 50% must be available for the purposes set forth under subsection (b); and

(3) 30% must be invested for the purpose of earning interest or other investment income.

(d) As soon as practical after the effective date of this Act, the State Treasurer must transfer the amount of $1,000,000 from the General Revenue Fund to the Charitable Trust Stabilization Fund. On the June 30 that occurs in the third year after the transfer to the Charitable Trust Stabilization Fund, the Treasurer must transfer the amount of $1,000,000 from the Charitable Trust Stabilization Fund to the General Revenue Fund. If, on that date, less than $1,000,000 is available for transfer, then the Treasurer must transfer the remaining balance of the Charitable Trust Stabilization Fund to the General Revenue Fund, and on each June 30 thereafter must transfer any balance in the Charitable Trust Stabilization Fund to the General Revenue Fund until the aggregate amount of $1,000,000 has been transferred.

(Source: P.A. 95-655, eff. 6-1-08.)

(30 ILCS 790/10)

Sec. 10. The Charitable Trust Stabilization Committee.

(a) The Charitable Trust Stabilization Committee is created. The Committee consists of the following members:

(1) the Attorney General or his or her designee, who shall serve as co-chair of the Committee;

(2) the State Treasurer or his or her designee, who shall serve as co-chair of the Committee;

(3) the Lieutenant Governor or his or her designee;

(4) the Director of Commerce and Economic Opportunity or his or her designee;

(5) the chief executive officer of the Division of Financial Institutions in the Department of Financial and Professional Regulations or his or her designee; and

(6) six private citizens, who shall serve a term of 6 years, appointed by the State Treasurer with advice and consent of the Senate.

(b) The Committee shall adopt rules, including procedures and criteria for grant awards; it must meet at least once each calendar quarter; and it may establish committees and officers as it deems necessary. For purposes of Committee meetings, a quorum is a majority of the members. Meetings of the Committee are subject to the Open Meetings Act. The Committee must afford an opportunity for public comment at each of its meetings.

(c) Committee members shall serve without compensation, but may be reimbursed for their reasonable travel expenses from funds available for that purpose. The Department of Commerce and Economic Opportunity shall, subject to appropriation, provide staff and administrative support services to the Committee.

(d) The Committee shall administer the Charitable Trust Stabilization Fund. The Committee may employ the services of a director or other staff as it deems appropriate in furtherance of this Act and in compliance with Section 5(c) of this Act. The Committee may enter into contracts in furtherance of its mission. The director must have extensive experience in building and funding not-for-profit ventures. The director must:

(1) develop and implement an annual work plan based on the goals set forth by the Committee;

(2) attend the Committee meetings and provide reports of the progress on the annual work plan;

(3) develop and maintain a database of all organizations that have elected to participate under this Act; and

(4) publicize the Charitable Trust Stabilization Fund to eligible organizations.

The Committee may transfer all or a portion of the balance of the Fund to a third-party administrator to fulfill the mission of the Committee and the purposes of the Fund in accordance with this Act and in compliance with Section 5(c) of this Act.

(Source: P.A. 95-655, eff. 6-1-08.)

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 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 Madigan, HOUSE BILL 1515 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 6)

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 Madigan, SENATE BILL 3383 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 3383. Having been recalled on January 5, 2011, the same was again taken up.

Representative Sente offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 3383, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by adding Section 21.5 as follows:

(5 ILCS 315/21.5 new)

Sec. 21.5. Termination of certain agreements after constitutional officers take office.

(a) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may extend beyond June 30th of the year in which the terms of office of executive branch constitutional officers begin.

(b) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may provide for an increase in salary, wages, or benefits starting on or after the first day of the terms of office of executive branch constitutional officers and ending June 30th of that same year.

(c) Any collective bargaining agreement in violation of this Section is terminated and rendered null and void by operation of law.

(d) For purposes of this Section, "executive branch constitutional officer" has the same meaning as that term is defined in the State Officials and Employees Ethics Act.

Section 10. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Sections 50-5 and 50-25 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, and the estimated revenues from sources other than taxation ~~, and an estimate of the amount required to be raised by taxation~~. Except with respect to the capital development provisions of the State budget, beginning with the revenue estimates prepared for fiscal year 2012, revenue estimates shall be based solely on: (i) revenue sources (including non-income resources), rates, and levels that exist as of the date of the submission of the State budget for the fiscal year and (ii) revenue sources (including non-income resources), rates, and levels that have been passed by the General Assembly as of the date of the submission of the State budget for the fiscal year and that are authorized to take effect in that fiscal year. Except with respect to the capital development provisions of the State budget, the Governor shall determine available revenue, deduct the cost of essential government services, including, but not limited to, pension payments and debt service, and assign a percentage of the remaining revenue to each statewide prioritized goal, as established in Section 50-25 of this Law, taking into consideration the proposed goals set forth in the report of the Commission established under that Section. The Governor shall also demonstrate how spending priorities for the fiscal year fulfill those statewide goals. The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to each department's, office's, and institution's ability to effectively deliver services that meet the established statewide goals ~~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 financial reports on operating funds, which may include general, State, or federal funds and may include funds related to agencies that have significant impacts on State operations, ~~budget statements~~ to the General Assembly and the State Comptroller. The reports ~~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 reports ~~statements~~ shall be prepared and presented in an executive summary format that may include ~~includes~~, for the fiscal year to date, individual itemizations for each significant revenue type ~~source~~ as well as ~~individual~~ itemizations of expenditures and obligations, by agency ~~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 reports ~~statement~~ shall include a calculation of the actual total budget surplus or deficit for the fiscal year to date. 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 July 1 and August 31 of each fiscal year ~~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~~.

Beginning with budgets prepared for fiscal year 2013, the budgets submitted by the Governor and appropriations made by the General Assembly for all executive branch State agencies must adhere to a method of budgeting where each priority must be justified each year according to merit rather than according to the amount appropriated for the preceding year.

(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.)

(15 ILCS 20/50-25)

Sec. 50-25. Statewide prioritized goals. For fiscal year 2012 and each fiscal year thereafter, prior to the submission of the State budget, the Governor, in consultation with the appropriation committees of the General Assembly and, beginning with budgets prepared for fiscal year 2013, the commission established under this Section, shall: (i) prioritize outcomes that are most important for each State agency of the executive branch under the jurisdiction of the Governor to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes according to the priority of the outcome. There must be a reasonable number of annually defined statewide goals defining State priorities for the budget. Each goal shall be further defined to facilitate success in achieving that goal. No later than July 31 of each fiscal year beginning in fiscal year 2012, the Governor shall establish a commission for the purpose of advising the Governor in setting those outcomes and goals, including the timeline for achieving those outcomes and goals. The commission shall be a well-balanced group and shall be a manageable size. The commission shall hold at least 2 public meetings during each fiscal year. One meeting shall be held in the City of Chicago and one meeting shall be held in the City of Springfield. By November 1 of each year, the commission shall submit a report to the Governor and the General Assembly setting forth recommendations with respect to the

Governor's proposed outcomes and goals. The report shall be published on the Governor's Office of Management and Budget's website. In its report, the commission shall propose a percentage of the total budget to be assigned to each proposed outcome and goal. The commission shall also review existing mandated expenditures and include in its report recommendations for the termination of mandated expenditures. The General Assembly may object to the commission's report by passing a joint resolution detailing the General Assembly's objections.

In addition, each other constitutional officer of the executive branch, in consultation with the appropriation committees of the General Assembly, shall: (i) prioritize outcomes that are most important for his or her office to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes according to the priority of the outcome. The Governor and each constitutional officer shall separately conduct performance analyses to determine which programs, strategies, and activities will best achieve those desired outcomes. The Governor shall recommend that appropriations be made to State agencies and officers for the next fiscal year based on the agreed upon goals and priorities. Each agency and officer may develop its own strategies for meeting those goals and shall review and analyze those strategies on a regular basis. The Governor shall also implement procedures to measure annual progress toward the State's highest priority outcomes and shall develop a statewide reporting system that compares the actual results with budgeted results. Those performance measures and results shall be posted on the State Comptroller's website, and compiled for distribution in the Comptroller's Public Accountability Report, as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly.
(Source: P.A. 96-958, eff. 7-1-10.)

Section 15. The Illinois Grant Funds Recovery Act is amended by adding Section 4.2 as follows:
(30 ILCS 705/4.2 new)

Sec. 4.2. Suspension of grant making authority. Any grant funds and any grant program administered by a grantor agency subject to this Act are indefinitely suspended on July 1, 2012, and on July 1st of every 5th year thereafter, unless the General Assembly, acting by Joint Resolution, authorizes that grantor agency to make grants or lifts the suspension of the authorization of that grantor agency to make grants. In the case of a suspension of the authorization of a grantor agency to make grants, the authority of that grantor agency to make grants is suspended until the suspension is explicitly lifted by Joint Resolution by the General Assembly, even if an appropriation has been made for the explicit purpose of such grants. This suspension of grant making authority supersedes any other law or rule to the contrary.

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

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.

HOUSE BILL ON SECOND READING

HOUSE BILL 1454. Having been read by title a second time on January 3, 2011, and held on the order of Second Reading, the same was again taken up.

Representative William Davis offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1454 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-600 as follows:
(20 ILCS 2705/2705-600)

Sec. 2705-600. Target market program. The Department of Transportation shall regularly review any and all evidence of discrimination including but not limited to evidence used for purposes of establishing disadvantaged business enterprise goals applicable to minority-owned businesses and female-owned businesses pursuant to subsection (d) of Section 6 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. If, after reviewing such evidence, the Department finds and the chief procurement officer concurs in the findings that discrimination exists against a specific group, race, or gender, the chief procurement officer has the power to establish and implement a target market program tailored to address the specific findings made by the Department after a public hearing at which minority,

women's, and general contractor groups, community organizations, and other interested parties shall have the opportunity to provide comments. As used in this Section, "target market program" means a procurement process whereby construction contracts selected by the chief procurement officer are let utilizing procedures designed to encourage and facilitate bidding by minority-owned businesses, female-owned businesses, and disadvantaged businesses as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. A target market program shall incorporate ~~In order to achieve all diversity goals, the Department's chief procurement officer shall develop and coordinate a target market program including~~ the following elements:

(1) In January of each year, the Department and the chief procurement officer shall report jointly to the General Assembly the results of hearings held pursuant to this Section, and shall report the actions to be taken to address the findings including the establishment and implementation of target market initiatives. The dollar value of all contracts bid under the target market program shall count towards the achievement of the goals for utilization of minority-owned businesses, female-owned businesses, and disadvantaged businesses established for the State-funded construction program pursuant to subsection (d) of Section 6 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. ~~estimate the dollar value of all contracts to be awarded by the Department during that year and shall multiply that total by the minority-owned business target market percentage and the women-owned business target market percentage for that year. Contracts with an estimated dollar value equal to those products shall be set aside (prior to advertisement in the case of contracts to be awarded by bid) to be let only to qualified minority-owned businesses and qualified women-owned businesses, respectively.~~

(2) The chief procurement officer shall work with the officers and divisions of the Department to determine the appropriate designation of contracts as target market contracts. The chief procurement officer working with the Department shall determine appropriate contract formation and bidding procedures for target market contracts including but not limited to: division of procurements so designated into contract award units to facilitate offers or bids from minority-owned businesses and female-owned businesses; direct solicitation of bids or offers from minority-owned businesses and female-owned businesses; providing various contracting opportunities to encourage maximum involvement of minority-owned businesses and female-owned businesses; removal of bid bond requirements for minority-owned businesses and female-owned businesses; and identification of sheltered market contracts as defined in subsection (d) of Section 6 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. ~~To the extent practical, the chief procurement officer shall divide the procurements so designated into contract award units of economically feasible production runs in order to facilitate offers or bids from minority-owned businesses and women-owned businesses. In making the annual designation of target market contracts, the chief procurement officer shall attempt to vary the included procurements so that a variety of goods and services produced by different minority-owned businesses and women-owned businesses shall be set aside each year.~~ Minority-owned businesses and female-owned ~~women-owned~~ businesses shall remain eligible to seek the procurement award of contracts that have not been designated as target market contracts.

(3) The chief procurement officer ~~Department shall develop a list of minority-owned businesses and women-owned businesses that are interested in participating in the target market program, including the type of contract in which each minority-owned businesses and women-owned businesses is interested in participating. The Department~~ may make participation in the target market program dependent upon submission to stricter compliance audits than are generally applicable. No contract shall be eligible for inclusion in the target market program unless ~~the list developed by~~ the Department determines ~~indicates~~ that there are at least 3 ~~qualified~~ minority-owned businesses or female-owned ~~women-owned~~ businesses interested in participating in that type of contract. The Department with concurrence by the chief procurement officer may waive this requirement for a particular contract if the particular contract would have a significant impact on participating businesses. The Department with concurrence by the chief procurement officer may develop guidelines to regulate the level of participation of individual minority-owned businesses and female-owned ~~women-owned~~ businesses in the target market program in order to prevent the domination of the target market program by a small number of those entities. The ~~If necessary or useful, the~~ Department may require minority-owned businesses and female-owned ~~women-owned~~ businesses to participate in training programs offered by the Department or other State agencies as a condition precedent to participation in the target market program.

(4) Participation in the target market program shall be limited to prequalified minority-owned businesses and female-owned ~~women-owned~~ businesses and joint ventures consisting exclusively of minority-owned businesses, female-owned ~~women-owned~~ businesses, or both , that are certified as

disadvantaged businesses pursuant to the provisions of subsection (d) of Section 6 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The Department may include previously certified but graduated firms that meet the definition of "business concern or business" under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. A ~~The prime contractor on a~~ target market contract may subcontract up to 50% of the dollar value of the target market contract to subcontractors who are not minority-owned businesses or female-owned ~~women-owned~~ businesses.

(5) The Department in conjunction with the chief procurement officer may include in the target market program contracts that are

funded by the federal government to the extent allowed by federal law and may vary the standards of eligibility of the target market program ~~(for example, by allowing the participation of businesses owned by a person with a disability)~~ to the extent necessary to comply with the federal funding requirements.

(6) If no satisfactory bid or response is received with respect to a contract that

has been designated as part of the target market program, the chief procurement officer ~~Department~~ may delete that contract from the target market program. In addition, the chief procurement officer shall thereupon designate ~~and set aside for the target market program~~ additional contracts corresponding in approximate value to the contract that was deleted from the target market program, to the extent feasible.

(7) In order to facilitate the performance of target market contracts by

minority-owned businesses and female-owned ~~women-owned~~ businesses, the Department ~~chief procurement officer~~ may expedite payments under target market contracts~~, may reduce retainages under target market contracts when appropriate,~~ and may pay the contractor a portion of the value of a target market contract at the time of award as an advance to cover start-up and mobilization costs.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of P.A. 96-795).)

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 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 William Davis, HOUSE BILL 1454 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 7)

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 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 Madigan, SENATE BILL 3383 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:

85, Yeas; 26, Nays; 3, Answering Present.

(ROLL CALL 8)

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.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1318, 1521 and 1574 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 1:48 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, January 6, 2011, at 10:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

January 05, 2011

0 YEAS 0 NAYS 114 PRESENT

P Acevedo	P Davis, William	P Kosel	P Reboletti
P Arroyo	P DeLuca	P Lang	P Reis
P Bassi	P Dugan	P Leitch	P Reitz
P Beaubien	P Dunkin	P Lilly	P Riley
P Beiser	P Durkin	P Lyons	P Rita
P Bellock	P Eddy	P Mathias	P Rose
P Berrios	P Farnham	P Mautino	P Sacia
P Biggins	P Feigenholtz	P May	P Saviano
P Boland	P Flider	P Mayfield	P Schmitz
P Bost	P Flowers	P McAsey	P Senger
P Bradley	P Ford	P McAuliffe	P Sente
P Brady	P Fortner	P McCarthy	E Smith
P Brauer	P Franks	P McGuire	P Sommer
P Burke	P Froehlich	E Mell	P Soto
P Burns	P Gabel	P Mendoza	P Stephens
P Carberry	P Golar	E Miller	P Sullivan
P Cavaletto	P Gordon, Careen	P Mitchell, Bill	P Thapedi
P Chapa LaVia	P Gordon, Jehan	P Mitchell, Jerry	P Tracy
P Coladipietro	P Hammond	P Moffitt	P Tryon
P Cole	P Hannig	P Moore	P Turner
P Collins	P Harris	E Mulligan	P Verschoore
P Colvin	P Hatcher	P Nekritz	P Wait
P Connelly	P Hays, Chad	P O'Sullivan	P Walker
P Coulson	P Hernandez	P Osmond	P Watson
P Crespo	P Hoffman	P Osterman	P Winters
P Cross	P Holbrook	P Phelps	P Yarbrough
P Cultra	P Howard	P Pihos	P Zalewski
P Currie	P Jackson	P Poe	P Mr. Speaker
P D'Amico	P Jakobsson	P Pritchard	
P Davis, Monique	P Jefferson	P Ramey	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 647
TASK FORCE HIGHER ED PRIV LOAN
THIRD READING
PASSED

January 05, 2011

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 902
FISH-TECH
THIRD READING
PASSED

January 05, 2011

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3965
MASS TRANSIT-INSPECTOR GENERAL
THIRD READING
PASSED

January 05, 2011

92 YEAS 21 NAYS 1 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	N Reis
Y Bassi	Y Dugan	N Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	N Eddy	Y Mathias	N Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
N Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
N Brady	Y Fortner	Y McCarthy	E Smith
N Brauer	Y Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	N Mitchell, Jerry	N Tracy
Y Coladipietro	N Hammond	N Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	N Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
N Cultra	Y Howard	Y Pihos	P Zalewski
Y Currie	Y Jackson	N Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	N Pritchard	
Y Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2525
PEN CD-ART 1-FIDUCIARIES
THIRD READING
PASSED

January 05, 2011

113 YEAS 0 NAYS 1 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	P Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1515
FINANCE-TECH
THIRD READING
PASSED

January 05, 2011

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1454
STATE GOVERNMENT-TECH
THIRD READING
PASSED

January 05, 2011

114 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3383
IFA-DISTRESSED PROVIDERS
THIRD READING
PASSED

January 05, 2011

85 YEAS 26 NAYS 3 PRESENT

P Acevedo	N Davis, William	Y Kosel	Y Reboletti
N Arroyo	N DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	N Reitz
Y Beaubien	N Dunkin	Y Lilly	N Riley
N Beiser	N Durkin	P Lyons	N Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
N Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	Y May	N Saviano
N Boland	Y Flider	Y Mayfield	Y Schmitz
N Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	N Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	E Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	E Mell	Y Soto
N Burns	N Gabel	Y Mendoza	Y Stephens
N Carberry	Y Golar	E Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	N Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
N Collins	Y Harris	E Mulligan	N Verschoore
P Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	N O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	N Hoffman	N Osterman	Y Winters
Y Cross	N Holbrook	N Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	N Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

160TH LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, JANUARY 5, 2011

At the hour of 3:52 o'clock p.m., the House convened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Lang replaced Representative Madigan in the Committee on Executive on January 5, 2011.

REPORT FROM STANDING COMMITTEES

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 5, 2011, 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 737 and 1066.

The committee roll call vote on Senate Bill 737 is as follows:

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

N Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
N Arroyo(D)
Y Biggins(R)
Y Rita(D)
Y Tryon(R)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
N Berrios(D)
Y Lang(D) (replacing Madigan)
Y Sullivan(R)

The committee roll call vote on Senate Bill 1066 is as follows:

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

Y Burke(D), Chairperson
N Brady(R), Republican Spokesperson
Y Arroyo(D)
N Biggins(R)
Y Rita(D)
N Tryon(R)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Berrios(D)
Y Lang(D) (replacing Madigan)
N Sullivan(R)

SENATE 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: SENATE BILLS 737 and 1066.

INTRODUCTION AND FIRST READING OF BILLS

The following bill was introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6959. Introduced by Representative Bost, AN ACT concerning public employee benefits.

HOUSE BILL 6960. Introduced by Representative Cross, AN ACT concerning State government.

At the hour of 3:52 o'clock p.m., the House Perfunctory Session adjourned.