STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

161ST LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, JANUARY 6, 2011

10:29 O'CLOCK A.M.

NO. 161

HOUSE OF REPRESENTATIVES
Daily Journal Index
161st Legislative Day

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

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

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Miller, should be recorded as present at the hour of 12:38 o'clock p.m.

RESIGNATIONS AND APPOINTMENTS

NOTIFICATION OF VACANCY

Republican Representative Committee)
of the 105th Representative District)
)
STATE OF ILLINOIS)
COUNTY OF)

WHEREAS, Representative Shane Cultra, a member of the Republican Party and Representative in the General Assembly for the One Hundred Fifth District, resigned effective January 9, 2011 at 12:01 a.m.; and

WHEREAS, Representative Shane Cultra was the duly elected State Representative for the 105th Representative District for the 96th General Assembly;

NOW, THEREFORE, the Republican Representative Committee of the One Hundred Fifth Representative District does hereby find and declare that the office of Representative in the General Assembly for the One Hundred Fifth Representative District is vacant for the remainder of the 96th General Assembly.

SIGNED: John W. Parrott, Jr.
Chairman

SIGNED: Eric Thompson
Secretary

DATED: 12-18-10

CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE ONE HUNDRED FIFTH REPRESENTATIVE DISTRICT

Republican Representative Committee)
of the 105th Representative District)
)
STATE OF ILLINOIS)
COUNTY OF Livingston, Iroquois, Vermilion,
Champaign, Ford & McLean)

WHEREAS, a vacancy has occurred in the office of Representative in the General Assembly in the 105th Representative District of the State of Illinois as a result of the resignation on January 9, 2011 at 12:01 a.m. of Shane Cultra, a duly elected member of the Republican Party from the 105th Representative District of the State of Illinois for the 96th General Assembly; and

WHEREAS, the Republican Representative Committee of the Republican Party of the 105th Representative District has met and voted to fill the vacancy in said office, as required by 10 ILCS 5/25-6.

NOW, THEREFORE, BE IT RESOLVED that the Republican Representative Committee of the 105th Representative District hereby appoints Russell Geisler of 308 N. Oak Street, Onarga, Illinois, a member of the Republican Party, to the office of Representative in the General Assembly in the 105th Representative District for the remainder of the 96th General Assembly, effective January 9, 2011 at 12:02 a.m.

AND BE IF FURTHER RESOLVED, that such appointment shall be effective upon the Appointee taking the oath of office.

s/John W. Parrott, Jr. McLean County Chairman	1,901 Votes Cast	s/Craig Golden Vermilion County Member	2,836 Votes Cast
s/John McGlasson Livingston County Member	7,354 Votes Cast	s/Shane Cultra Iriquois County Member	9,943 Votes Cast
s/Alan Nudo Champaign County Member	12,483 Votes Cast	s/Eric Thompson Secretary	5,610 Votes Cast

Dated: 12-18-10 Time: 12:25 p.m.

Subscribed and sworn to before me on this 18th day of December, 2010.

s/Chris Gramm
Notary Public

December 18, 2010

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

Dear Clerk Mahoney:

Please accept this letter as a notice of resignation from my office of State Representative effective January 10, 2011 at 12:01 a.m.

Sincerely,

s/Russell Geisler
State Representative
105th District

NOTIFICATION OF VACANCY

Republican Representative Committee)
of the 105th Representative District)

)
STATE OF ILLINOIS)
COUNTY OF)

WHEREAS, Representative Russell Geisler, a member of the Republican Party and Representative in the General Assembly for the One Hundred Fifth District, resigned effective January 10, 2011 at 12:01 a.m.; and

WHEREAS, Representative Russell Geisler was the duly appointed State Representative for the 105th Representative District for the 96th General Assembly;

NOW, THEREFORE, the Republican Representative Committee of the One Hundred Fifth Representative District does hereby find and declare that the office of Representative in the General Assembly for the One Hundred Fifth Representative District is vacant for the remainder of the 96th General Assembly.

SIGNED: John W. Parrott, Jr.
McLean County
Chairman

SIGNED: Eric Thompson
Ford County
Secretary

DATED: 12-18-2010 Time: 12:43 p.m.

CERTIFICATE OF APPOINTMENT TO FILL VACANCY
IN THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY
IN THE ONE HUNDRED FIFTH REPRESENTATIVE DISTRICT

Republican Representative Committee)
of the 105th Representative District)
)
STATE OF ILLINOIS)
COUNTY OF Livingston, Iroquois, Vermilion,
Champaign, Ford & McLean)

WHEREAS, a vacancy has occurred in the office of Representative in the General Assembly in the 105th Representative District of the State of Illinois as a result of the resignation on January 10, 2011 at 12:01 a.m. of Russell Geisler, a duly appointed member of the Republican Party from the 105th Representative District of the State of Illinois for the 96th General Assembly; and

WHEREAS, the Republican Representative Committee of the Republican Party of the 105th Representative District has met and voted to fill the vacancy in said office, as required by 10 ILCS 5/25-6.

NOW, THEREFORE, BE IT RESOLVED that the Republican Representative Committee of the 105th Representative District hereby appoints Jason Barickman of 3911 Aberdeen Drive, Champaign, Illinois, a member of the Republican Party, to the office of Representative in the General Assembly in the 105th Representative District for the remainder of the 96th General Assembly, effective January 10, 2011 at 12:02 a.m.

AND BE IF FURTHER RESOLVED, that such appointment shall be effective upon the Appointee taking the oath of office.

s/John W. Parrott, Jr. McLean County Chairman	1,901 Votes Cast	s/Eric Thompson Ford County Secretary	5,610 VotesCast
s/John McGlasson Livingston County Member	7,354 Votes Cast	s/Craig Golden Vermilion County Member	2,836 Votes Cast

s/Alan Nudo	12,483	s/Shane Cultra	9,943
Champaign County Member (Proxy for Chairman Barickman)	Votes Cast	Iroquois County Member	Votes Cast

Dated: 12-18-10 Time: 12:45 p.m.

Subscribed and sworn to before me on this 18th day of December, 2010.

s/Chris Gramm
Notary Public

LETTERS OF TRANSMITTAL

January 6, 2011

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

Dear Mr. Clerk:

Effective immediately, Representative Emily McAsey is appointed as a permanent member of the House Judiciary I Committee replacing John Fritchey.

Please contact Tim Mapes, my Chief of Staff, at 782.6360 for further information.

With kindest personal regards, I remain

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

January 6, 2011

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

Dear Mr. Clerk:

Effective immediately Representative Kathleen Moore is appointed as a permanent member replacing John Fritchey and Representative Elaine Nekritz is appointed as a permanent member filling a vacancy to the **House Mass Transit Committee**.

Please contact Tim Mapes, my Chief of Staff, at 782.6360 for further information.

With kindest personal regards, I remain

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

January 6, 2011

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

Dear Mr. Clerk:

Effective immediately Representative Rita Mayfield is appointed as a permanent member filling a vacancy on the **House Mass Transit Committee**.

Please contact Tim Mapes, my Chief of Staff, at 782.6360 for further information.

With kindest personal regards, I remain

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

January 7, 2011

Mr. Mark Mahoney
Chief Clerk
Illinois House of Representatives
402 Statehouse
Springfield, IL 62706

Dear Chief Clerk Mahoney,

I am listed as not voting on Senate Bill 3539, which passed the House on a vote of 60-54-0. However, I would like the record to reflect that I intended to vote "no" as I had in the original roll call before that bill was placed on "postponed consideration" status.

I respectfully request that this letter be included in the journal for January 6, 2011.

Sincerely,
s/Chapin Rose
State Representative – 110th District

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Jefferson replaced Representative Lang in the Committee on Rules (A) on January 6, 2011.

Representative Watson replaced Representative Schmitz in the Committee on Rules (A) on January 6, 2011.

Representative Harris replaced Representative Currie in the Committee on Judiciary I - Civil Law on January 6, 2011.

Representative Watson replaced Representative Biggins in the Committee on Revenue & Finance on January 6, 2011.

Representative Osmond replaced Representative Bassi in the Committee on Revenue & Finance on January 6, 2011.

Representative Verschoore replaced Representative Bradley in the Committee on Revenue & Finance on January 6, 2011.

Representative Reboletti replaced Representative Mulligan in the Special Committee on Medicaid Reform on January 6, 2011.

Representative Coladipietro replaced Representative Beaubien in the Committee on Mass Transit on January 6, 2011.

Representative Durkin replaced Representative Bellock in the Committee on Mass Transit on January 6, 2011.

Representative Walker replaced Representative Feigenholtz in the Committee on Mass Transit on January 6, 2011.

Representative Zalewski replaced Representative Miller in the Committee on Mass Transit on January 6, 2011.

Representative Coulson replaced Representative Senger in the Committee on Mass Transit on January 6, 2011.

Representative Schmitz replaced Representative Sullivan in the Committee on Mass Transit on January 6, 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 6, 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 1927.
Amendment No. 3 to SENATE BILL 3322.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 5727.

Revenue & Finance: Motion to concur with SENATE AMENDMENTS Numbered 1 and 3 to HOUSE BILL 3659.

Special Committee on Medicaid Reform: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 5420.

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

Y Currie(D), Chairperson
Y Hannig(D)

Y Lang(D)
Y Osmond(R)
Y Schmitz(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 6, 2011, (A) 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. 4 to SENATE BILL 3322.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Revenue & Finance: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 5178.

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

Y Currie(D), Chairperson
Y Hannig(D)
Y Jefferson(D) (replacing Lang)
Y Osmond(R)
Y Watson(R) (replacing Schmitz)

REPORTS FROM STANDING COMMITTEES

Representative Bradley, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on January 6, 2011, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 3322.

The committee roll call vote on Amendment No. 2 to Senate Bill 3322 is as follows:
11, Yeas; 5, Nays; 0, Answering Present.

Y Bradley(D), Vice-Chairperson
N Rose(R), Republican Spokesperson
Y Burns(D)
Y Coladipietro(R)
A Connelly(R)
Y Harris(D) (replacing Currie)
Y Gordon, Careen(D)
Y Hoffman(D)
Y Lang(D)
N Mathias(R)
N McAsey(D)
N Nekritz(D)
N Osmond(R)
Y Thapedi(D)
Y Tracy(R)
Y Wait(R)
Y Zalewski(D)

Representative Mautino, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on January 6, 2011, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendments numbered 1 and 3 to HOUSE BILL 3659.

The committee roll call vote on Motion to Concur with Senate Amendments numbered 1 and 3 to House Bill 3659 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y Verschoore(D) (replacing Bradley)
Y Mautino(D), Vice-Chairperson

Y Osmond(R) (replacing Bassi)
Y Watson(R) (replacing Biggins)
A Currie(D)
Y Ford(D)
A Sullivan(R)
Y Beaubien(R)
Y Chapa LaVia(D)
A Eddy(R)
Y Gordon, Careen(D)
Y Zalewski(D)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 6, 2011, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendment No. 1 to HOUSE BILL 5727.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 5727 is as follows:

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

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y Arroyo(D)
Y Biggins(R)
Y Rita(D)
Y Tryon(R)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Berrios(D)
Y Madigan(D)
Y Sullivan(R)

Representative Currie, Chairperson, from the Special Committee on Medicaid Reform to which the following were referred, action taken on January 6, 2011, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 5420.

The committee roll call vote on Motion to Concur with Senate Amendments numbered 1 and 2 to House Bill 5420 is as follows:

12, Yeas; 1, Nay; 1, Answering Present.

Y Currie(D), Co-Chairperson
Y Cole(R)
N Flowers(D)
P Golar(D)
Y Jakobsson(D)
A Mautino(D)
Y Pritchard(R)
Y Senger(R)
Y Bellock(R), Co-Chairperson
Y Feigenholtz(D)
Y Gabel(D)
Y Hernandez(D)
Y Leitch(R)
Y Reboletti(R) (replacing Mulligan)
Y Rose(R)
A Tryon(R)

Representative Arroyo, Chairperson, from the Committee on Mass Transit to which the following were referred, action taken on January 6, 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--Standard Debate: SENATE BILL 2797.

The committee roll call vote on Senate Bill 2797 is as follows:

14, Yeas; 10, Nays; 0, Answering Present.

Y Arroyo(D), Chairperson
N Bassi(R)
N Durkin(R) (replacing Bellock)
A Biggins(R)
Y DeLuca(D)
N Fortner(R)
N Kosel(R)
Y Mayfield(D)
Y Zalewski(D) (replacing Miller)
N Mathias(R), Republican Spokesperson
N Coladipietro(R) (replacing Beaubien)
Y Berrios(D)
Y Crespo(D)
Y Walker(D) (replacing Feigenholtz)
Y Gabel(D)
Y May(D)
Y Mell(D)
Y Moore(D)

Y Nekritz(D)
Y Riley(D)
Y Soto(D)
N Tryon(R)
N Osterman(D)
N Coulson(R) (replacing Senger)
N Schmitz(R) (replacing Sullivan)

MOTIONS SUBMITTED

Representative Currie submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 5420.

Representative Verschoore submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 3 to HOUSE BILL 3659.

Representative Biggins submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5727.

Representative Winters submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 476.

Representative Chapa LaVia submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5289.

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

MOTION

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to HOUSE BILL 6913.

Representative Dugan submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 1606.

Representative May submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 5018.

Representative D'Amico submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 3677.

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

MOTION

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which SENATE BILL 1381 failed in the House on January 6, 2011.

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

MOTION

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which SENATE BILL 3539 passed in the House on January 6, 2011.

REQUEST FOR FISCAL NOTE

Representative Franks requested that a Fiscal Note be supplied for SENATE BILL 737, as amended.

Representative Coulson requested that a Fiscal Note be supplied for SENATE BILL 2797, as amended.

Representative Durkin requested that a Fiscal Note be supplied for SENATE BILL 2797, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Chapa LaVia requested that a State Mandates Fiscal Note be supplied for SENATE BILL 737, as amended.

REQUEST FOR BALANCED BUDGET NOTE

Representative Chapa LaVia requested that a Balanced Budget Note be supplied for SENATE BILL 737, as amended.

Representative Durkin requested that a Balanced Budget Note be supplied for SENATE BILL 2797, as amended.

REQUEST FOR CORRECTIONAL NOTE

Representative Chapa LaVia requested that a Correctional Note be supplied for SENATE BILL 737, as amended.

REQUEST FOR HOME RULE NOTE

Representative Chapa LaVia requested that a Home Rule Note be supplied for SENATE BILL 737, as amended .

Representative Durkin requested that a Home Rule Note be supplied for SENATE BILL 2797, as amended.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Chapa LaVia requested that a Housing Affordability Impact Note be supplied for SENATE BILL 737, as amended .

REQUEST FOR JUDICIAL NOTE

Representative Chapa LaVia requested that a Judicial Note be supplied for SENATE BILL 737, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Chapa LaVia requested that a Land Conveyance Appraisal Note be supplied for SENATE BILL 737, as amended.

REQUEST FOR PENSION NOTE

Representative Chapa LaVia requested that a Pension Note be supplied for SENATE BILL 737, as amended.

Representative Coulson requested that a Pension Note be supplied for SENATE BILL 2797, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Chapa LaVia requested that a State Debt Impact Note be supplied for SENATE BILL 737, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for SENATE BILL 737, as amended.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for SENATE BILL 737, as amended.

PENSION NOTE SUPPLIED

A Pension Note has been supplied for SENATE BILL 737, as amended.

CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for SENATE BILL 737, as amended.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for SENATE BILL 737, as amended.

PENSION NOTE SUPPLIED

A Pension Note has been supplied for SENATE BILL 2797, as amended.

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 of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2263

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. 2263
Senate Amendment No. 3 to HOUSE BILL NO. 2263
Senate Amendment No. 4 to HOUSE BILL NO. 2263
Passed the Senate, as amended, January 5, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 2263 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 101 as follows:

(35 ILCS 5/101) (from Ch. 120, par. 1-101)

Sec. 101. Short Title. This Act shall be known and ~~and~~ may be cited as the "Illinois Income Tax Act." (Source: P.A. 76-261.)".

AMENDMENT NO. 3. Amend House Bill 2263, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Uncollected State Claims Act is amended by changing Section 2.1 as follows:

(30 ILCS 205/2.1)

Sec. 2.1. Sale of debts certified as uncollectible.

(a) Except as otherwise provided in this Section, after ~~After~~ accounts have been certified by the Attorney General, or the State agency for accounts of less than $1,000, as uncollectible pursuant to this Act, the Department of Revenue may sell the debts to one or more outside private vendors. Sales shall be conducted under rules adopted by the Department of Revenue using a request for proposals procedure similar to that procedure under the Illinois Procurement Code. The outside private vendors shall remit to the Department of Revenue the purchase price for debts sold under this Section. The Department of Revenue shall deposit the money received under this Section into the General Revenue Fund. The State Comptroller shall provide the Department of Revenue with any information that the Department requests for the purpose of administering this Section. This Section does not apply to any tax debt owing to the Department of Revenue.

(b) Debts owing to an Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act (110 ILCS 979/10), may be sold only by the university. Sales under this subsection shall be conducted using a request for proposals procedure similar to the procedure established under the Illinois Procurement Code. Any amounts remitted to a university under this subsection shall be retained by the university.

(c) Debts owing to the Illinois Department of Transportation may be sold only by the Illinois Department of Transportation. Sales under this subsection shall be conducted using a request for proposals procedure similar to the procedure established under the Illinois Procurement Code. Any amounts remitted to the Department of Transportation under this subsection shall be deposited in the Road Fund.

(d) This Section does not apply to child support debts enforced by the Department of Healthcare and Family Services pursuant to Title IV-D of the federal Social Security Act and Article X of the Illinois Public Aid Code.

(e) This Section does not apply to debts enforced by the Department of Employment Security and owed to any federal account, including but not limited to the Unemployment Trust Fund and penalties and interest assessed under the Unemployment Insurance Act.

(f) A debt may not be sold under this Section if the sale of that debt would violate any federal law or federal regulation.

(Source: P.A. 96-1435, eff. 8-16-10.)

Section 10. The Illinois State Collection Act of 1986 is amended by changing Sections 10.1 and 10.2 as follows:

(30 ILCS 210/10.1)

Sec. 10.1 ~~9~~. Collection agency fees. Except where prohibited by federal law or regulation, in the case of any liability referred to a collection agency on or after July 1, 2010, any fee charged to the State by the collection agency (i) may not exceed 25% for a first placement of the underlying liability referred to the collection agency unless the liability is for a tax debt, (ii) is considered an additional liability owed to the State, (iii) is immediately subject to all collection procedures applicable to the liability referred to the collection agency, and (iv) must be separately stated in any statement or notice of the liability issued by the collection agency to the debtor. The fee limitations of this Section do not apply to a second, third, or subsequent placement or to litigation activities.

(Source: P.A. 96-1383, eff. 1-1-11; revised 9-7-10.)

(30 ILCS 210/10.2)

Sec. 10.2 ~~9~~. Deferral and compromise of past due debt.

(a) In this Section, "past due debt" means any debt owed to the State that has been outstanding for more than 12 months. "Past due debt" does not include any debt if any of the actions required under this Section would violate federal law or regulation.

(a-5) This Section does not apply to child support debts enforced by the Department of Healthcare and Family Services pursuant to Title IV-D of the federal Social Security Act and Article X of the Illinois Public Aid Code.

(a-10) This Section does not apply to debts enforced by the Department of Employment Security and owed to any federal account, including but not limited to the Unemployment Trust Fund and penalties and interest assessed under the Unemployment Insurance Act.

(b) State agencies may enter into a deferred payment plan for the purpose of satisfying a past due debt. The deferred payment plan must meet the following requirements:

(1) The term of the deferred payment plan may not exceed 2 years.

(2) The first payment of the deferred payment plan must be at least 10% of the total amount due.

(3) All subsequent monthly payments for the deferred payment plan must be assessed as equal monthly principal payments, together with interest.

(4) The deferred payment plan must include interest at a rate that is the same as the interest required under the State Prompt Payment Act.

(5) The deferred payment plan must be approved by the Secretary or Director of the State agency.

(b-5) The requirements of subsection (b) do not apply to a deferred payment plan entered into by any Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act.

(c) State agencies may compromise past due debts. Any action taken by a State agency to compromise a past due debt must meet the following requirements:

(1) The amount of the compromised debt shall be no less than 80% of the principal amount ~~total~~ of the past due debt.

(2) Once a past due debt has been compromised, the debtor must remit to the State agency the total amount of the compromised debt. However, the State agency may collect the compromised debt through a payment plan not to exceed 6 months. If the State agency accepts the compromised debt

through a payment plan, then the compromised debt shall be subject to the same rate of interest as required under the State Prompt Payment Act.

(3) Before a State agency accepts a compromised debt, the amount of the compromised debt must be approved by the Secretary or Director of the State agency ~~Department of Revenue~~.

(c-5) Illinois public universities, as defined in Section 10 of the Illinois Prepaid Tuition Act, may compromise past due debt without regard to the requirements set forth in subsection (c).

(d) State agencies may sell a past due debt to one or more outside private vendors. Sales shall be conducted under rules adopted by the Department of Revenue using a request for proposals procedure similar to that procedure under the Illinois Procurement Code. The outside private vendors shall remit to the State agency the purchase price for debts sold under this subsection.

(e) The State agency shall deposit all amounts received under this Section into the General Revenue Fund, except that amounts received by any Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act, shall be retained by the university, and amounts received by the Department of Transportation shall be deposited into the Road Fund..

(f) This Section does not apply to any tax debt owing to the Department of Revenue.
(Source: P.A. 96-1435, eff. 8-16-10; revised 9-7-10.)".

AMENDMENT NO. 4. Amend House Bill 2263, AS AMENDED, as follows:
by replacing the introductory clause of Section 10 with the following:
"Section 10. The Illinois State Collection Act of 1986 is amended by renumbering and changing Section 9 added by Public Act 96-1383 and Section 9 added by Public Act 96-1435 as follows:"; and
in Section 10, in renumbered Sec. 10.2, immediately below subsec. (b-5), by inserting the following:
"(b-10) The requirements of subsection (b) do not apply to a deferred payment plan entered into by the Illinois Department of Transportation or to debts owed to the Illinois Department of Transportation for deposit into the Road Fund."; and
by inserting at the end of the bill the following:
"Section 99. Effective date. This Act takes effect on January 1, 2011.".

The foregoing message from the Senate reporting Senate Amendments numbered 1, 3 and 4 to HOUSE BILL 2263 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 5420

A bill for AN ACT concerning State government.

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. 5420
Senate Amendment No. 2 to HOUSE BILL NO. 5420
Passed the Senate, as amended, January 5, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5420 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 1 as follows:
(30 ILCS 105/1) (from Ch. 127, par. 137)
Sec. 1. The fiscal year of this ~~this~~ State shall commence July 1 and close June 30.
(Source: Laws 1951, p. 1231.)".

AMENDMENT NO. 2. Amend House Bill 5420, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Budget Law of the Civil Administrative Code of Illinois is amended by adding Section 50-30 as follows:

(15 ILCS 20/50-30 new)

Sec. 50-30. Long-term care rebalancing. In light of the increasing demands confronting the State in meeting the needs of individuals utilizing long-term care services under the medical assistance program and any other long-term care related benefit program administered by the State, it is the intent of the General Assembly to address the needs of both the State and the individuals eligible for such services by cost effective and efficient means through the advancement of a long-term care rebalancing initiative. Notwithstanding any State law to the contrary, and subject to federal laws, regulations, and court decrees, the following shall apply to the long-term care rebalancing initiative:

(1) "Long-term care rebalancing", as used in this Section, means removing barriers to community living for people of all ages with disabilities and long-term illnesses by offering individuals utilizing long-term care services a reasonable array of options, in particular adequate choices of community and institutional options, to achieve a balance between the proportion of total Medicaid long-term support expenditures used for institutional services and those used for community-based supports.

(2) Subject to the provisions of this Section, the Governor shall create a unified budget report identifying the budgets of all State agencies offering long-term care services to persons in either institutional or community settings, including the budgets of State-operated facilities for persons with developmental disabilities that shall include, but not be limited to, the following service and financial data:

(A) A breakdown of long-term care services, defined as institutional or community care, by the State agency primarily responsible for administration of the program.

(B) Actual and estimated enrollment, caseload, service hours, or service days provided for long-term care services described in a consistent format for those services, for each of the following age groups: older adults 65 years of age and older, younger adults 21 years of age through 64 years of age, and children under 21 years of age.

(C) Funding sources for long-term care services.

(D) Comparison of service and expenditure data, by services, both in aggregate and per person enrolled.

(3) For each fiscal year, the unified budget report described in subdivision (2) shall be prepared with reference to the prioritized outcomes for that fiscal year contemplated by Sections 50-5 and 50-25 of this Code.

(4) Each State agency responsible for the administration of long-term care services shall provide an analysis of the progress being made by the agency to transition persons from institutional to community settings, where appropriate, as part of the State's long-term care rebalancing initiative.

(5) The Governor may designate amounts set aside for institutional services appropriated from the General Revenue Fund or any other State fund that receives monies for long-term care services to be transferred to all State agencies responsible for the administration of community-based long-term care programs, including, but not limited to, community-based long-term care programs administered by the Department of Healthcare and Family Services, the Department of Human Services, and the Department on Aging, provided that the Director of Healthcare and Family Services first certifies that the amounts being transferred are necessary for the purpose of assisting persons in or at risk of being in institutional care to transition to community-based settings, including the financial data needed to prove the need for the transfer of funds. The total amounts transferred shall not exceed 4% in total of the amounts appropriated from the General Revenue Fund or any other State fund that receives monies for long-term care services for each fiscal year. A notice of the fund transfer must be made to the General Assembly and posted at a minimum on the Department of Healthcare and Family Services website, the Governor's Office of Management and Budget website, and any other website the Governor sees fit. These postings shall serve as notice to the General Assembly of the amounts to be transferred. Notice shall be given at least 30 days prior to transfer.

(6) This Section shall be liberally construed and interpreted in a manner that allows the State to advance its long-term care rebalancing initiatives.

Section 10. The State Finance Act is amended by changing Sections 13.2 and 25 as follows:

(30 ILCS 105/13.2) (from Ch. 127, par. 149.2)

Sec. 13.2. Transfers among line item appropriations.

(a) Transfers among line item appropriations from the same treasury fund for the objects specified in this Section may be made in the manner provided in this Section when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made.

(a-1) No transfers may be made from one agency to another agency, nor may transfers be made from one institution of higher education to another institution of higher education except as provided by subsection (a-4).

(a-2) Except as otherwise provided in this Section, transfers may be made only among the objects of expenditure enumerated in this Section, except that no funds may be transferred from any appropriation for personal services, from any appropriation for State contributions to the State Employees' Retirement System, from any separate appropriation for employee retirement contributions paid by the employer, nor from any appropriation for State contribution for employee group insurance. During State fiscal year 2005, an agency may transfer amounts among its appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State Contributions to retirement systems; notwithstanding and in addition to the transfers authorized in subsection (c) of this Section, the fiscal year 2005 transfers authorized in this sentence may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund. During State fiscal year 2007, the Departments of Children and Family Services, Corrections, Human Services, and Juvenile Justice may transfer amounts among their respective appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State contributions to retirement systems. During State fiscal year 2010, the Department of Transportation may transfer amounts among their respective appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State contributions to retirement systems. During State fiscal year 2010 only, an agency may transfer amounts among its respective appropriations within the same treasury fund for personal services, employee retirement contributions paid by employer, and State contributions to retirement systems. Notwithstanding, and in addition to, the transfers authorized in subsection (c) of this Section, these transfers may be made in an amount not to exceed 2% of the aggregate amount appropriated to an agency within the same treasury fund.

(a-3) Further, if an agency receives a separate appropriation for employee retirement contributions paid by the employer, any transfer by that agency into an appropriation for personal services must be accompanied by a corresponding transfer into the appropriation for employee retirement contributions paid by the employer, in an amount sufficient to meet the employer share of the employee contributions required to be remitted to the retirement system.

(a-4) Long-Term Care Rebalancing. The Governor may designate amounts set aside for institutional services appropriated from the General Revenue Fund or any other State fund that receives monies for long-term care services to be transferred to all State agencies responsible for the administration of community-based long-term care programs, including, but not limited to, community-based long-term care programs administered by the Department of Healthcare and Family Services, the Department of Human Services, and the Department on Aging, provided that the Director of Healthcare and Family Services first certifies that the amounts being transferred are necessary for the purpose of assisting persons in or at risk of being in institutional care to transition to community-based settings, including the financial data needed to prove the need for the transfer of funds. The total amounts transferred shall not exceed 4% in total of the amounts appropriated from the General Revenue Fund or any other State fund that receives monies for long-term care services for each fiscal year. A notice of the fund transfer must be made to the General Assembly and posted at a minimum on the Department of Healthcare and Family Services website, the Governor's Office of Management and Budget website, and any other website the Governor sees fit. These postings shall serve as notice to the General Assembly of the amounts to be transferred. Notice shall be given at least 30 days prior to transfer.

(b) In addition to the general transfer authority provided under subsection (c), the following agencies have the specific transfer authority granted in this subsection:

The Department of Healthcare and Family Services is authorized to make transfers representing savings attributable to not increasing grants due to the births of additional children from line items for payments of cash grants to line items for payments for employment and social services for the purposes outlined in subsection (f) of Section 4-2 of the Illinois Public Aid Code.

The Department of Children and Family Services is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following line items among these same line items: Foster Home and Specialized Foster Care and Prevention, Institutions and Group

Homes and Prevention, and Purchase of Adoption and Guardianship Services.

The Department on Aging is authorized to make transfers not exceeding 2% of the aggregate amount appropriated to it within the same treasury fund for the following Community Care Program line items among these same line items: Homemaker and Senior Companion Services, Alternative Senior Services, Case Coordination Units, and Adult Day Care Services.

The State Treasurer is authorized to make transfers among line item appropriations from the Capital Litigation Trust Fund, with respect to costs incurred in fiscal years 2002 and 2003 only, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

The State Board of Education is authorized to make transfers from line item appropriations within the same treasury fund for General State Aid and General State Aid - Hold Harmless, provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made, to the line item appropriation for Transitional Assistance when the balance remaining in such line item appropriation is insufficient for the purpose for which the appropriation was made.

The State Board of Education is authorized to make transfers between the following line item appropriations within the same treasury fund: Disabled Student Services/Materials (Section 14-13.01 of the School Code), Disabled Student Transportation Reimbursement (Section 14-13.01 of the School Code), Disabled Student Tuition - Private Tuition (Section 14-7.02 of the School Code), Extraordinary Special Education (Section 14-7.02b of the School Code), Reimbursement for Free Lunch/Breakfast Program, Summer School Payments (Section 18-4.3 of the School Code), and Transportation - Regular/Vocational Reimbursement (Section 29-5 of the School Code). Such transfers shall be made only when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made and provided that no such transfer may be made unless the amount transferred is no longer required for the purpose for which that appropriation was made.

During State fiscal years 2010 and 2011 only, the Department of Healthcare and Family Services is authorized to make transfers not exceeding 4% of the aggregate amount appropriated to it, within the same treasury fund, among the various line items appropriated for Medical Assistance.

(c) The sum of such transfers for an agency in a fiscal year shall not exceed 2% of the aggregate amount appropriated to it within the same treasury fund for the following objects: Personal Services; Extra Help; Student and Inmate Compensation; State Contributions to Retirement Systems; State Contributions to Social Security; State Contribution for Employee Group Insurance; Contractual Services; Travel; Commodities; Printing; Equipment; Electronic Data Processing; Operation of Automotive Equipment; Telecommunications Services; Travel and Allowance for Committed, Paroled and Discharged Prisoners; Library Books; Federal Matching Grants for Student Loans; Refunds; Workers' Compensation, Occupational Disease, and Tort Claims; and, in appropriations to institutions of higher education, Awards and Grants. Notwithstanding the above, any amounts appropriated for payment of workers' compensation claims to an agency to which the authority to evaluate, administer and pay such claims has been delegated by the Department of Central Management Services may be transferred to any other expenditure object where such amounts exceed the amount necessary for the payment of such claims.

(c-1) Special provisions for State fiscal year 2003. Notwithstanding any other provision of this Section to the contrary, for State fiscal year 2003 only, transfers among line item appropriations to an agency from the same treasury fund may be made provided that the sum of such transfers for an agency in State fiscal year 2003 shall not exceed 3% of the aggregate amount appropriated to that State agency for State fiscal year 2003 for the following objects: personal services, except that no transfer may be approved which reduces the aggregate appropriations for personal services within an agency; extra help; student and inmate compensation; State contributions to retirement systems; State contributions to social security; State contributions for employee group insurance; contractual services; travel; commodities; printing; equipment; electronic data processing; operation of automotive equipment; telecommunications services; travel and allowance for committed, paroled, and discharged prisoners; library books; federal matching grants for student loans; refunds; workers' compensation, occupational disease, and tort claims; and, in appropriations to institutions of higher education, awards and grants.

(c-2) Special provisions for State fiscal year 2005. Notwithstanding subsections (a), (a-2), and (c), for State fiscal year 2005 only, transfers may be made among any line item appropriations from the same or any other treasury fund for any objects or purposes, without limitation, when the balance remaining in one or more such line item appropriations is insufficient for the purpose for which the appropriation was made,

provided that the sum of those transfers by a State agency shall not exceed 4% of the aggregate amount appropriated to that State agency for fiscal year 2005.

(d) Transfers among appropriations made to agencies of the Legislative and Judicial departments and to the constitutionally elected officers in the Executive branch require the approval of the officer authorized in Section 10 of this Act to approve and certify vouchers. Transfers among appropriations made to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Mathematics and Science Academy and the Board of Higher Education require the approval of the Board of Higher Education and the Governor. Transfers among appropriations to all other agencies require the approval of the Governor.

The officer responsible for approval shall certify that the transfer is necessary to carry out the programs and purposes for which the appropriations were made by the General Assembly and shall transmit to the State Comptroller a certified copy of the approval which shall set forth the specific amounts transferred so that the Comptroller may change his records accordingly. The Comptroller shall furnish the Governor with information copies of all transfers approved for agencies of the Legislative and Judicial departments and transfers approved by the constitutionally elected officials of the Executive branch other than the Governor, showing the amounts transferred and indicating the dates such changes were entered on the Comptroller's records.

(e) The State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations for General State Aid between the Common School Fund and the Education Assistance Fund. With the advice and consent of the Governor's Office of Management and Budget, the State Board of Education, in consultation with the State Comptroller, may transfer line item appropriations between the General Revenue Fund and the Education Assistance Fund for the following programs:

(1) Disabled Student Personnel Reimbursement (Section 14-13.01 of the School Code);

(2) Disabled Student Transportation Reimbursement (subsection (b) of Section 14-13.01 of the School Code);

(3) Disabled Student Tuition - Private Tuition (Section 14-7.02 of the School Code);

(4) Extraordinary Special Education (Section 14-7.02b of the School Code);

(5) Reimbursement for Free Lunch/Breakfast Programs;

(6) Summer School Payments (Section 18-4.3 of the School Code);

(7) Transportation - Regular/Vocational Reimbursement (Section 29-5 of the School Code);

(8) Regular Education Reimbursement (Section 18-3 of the School Code); and

(9) Special Education Reimbursement (Section 14-7.03 of the School Code).

(Source: P.A. 95-707, eff. 1-11-08; 96-37, eff. 7-13-09; 96-820, eff. 11-18-09; 96-959, eff. 7-1-10; 96-1086, eff. 7-16-10.)

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations.

(a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

(b-1) However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations, except as required by subsection (j) of this Section. Beginning on June 30, 2021, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code as of June 30, payable from appropriations that have otherwise expired, may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

(b-2) All outstanding liabilities as of June 30, 2010, payable from appropriations that would otherwise

expire at the conclusion of the lapse period for fiscal year 2010, and interest penalties payable on those liabilities under the State Prompt Payment Act, may be paid out of the expiring appropriations until December 31, 2010, without regard to the fiscal year in which the payment is made, as long as vouchers for the liabilities are received by the Comptroller no later than August 31, 2010.

(b-3) Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year, except as required by subsection (j) of this Section. Beginning on June 30, 2021, medical payments payable from appropriations that have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

(b-4) Medical payments may be made by the Department of Healthcare and Family Services and medical payments and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Healthcare and Family Services ~~Central Management Services~~ from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations , except as required by subsection (j) of this Section. Beginning on June 30, 2021, medical payments made by the Department of Healthcare and Family Services, child care payments made by the Department of Human Services, and payments made at the discretion of the Department of Healthcare and Family Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund payable from appropriations that have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

(b-5) Medical payments may be made by the Department of Human Services from its appropriations relating to substance abuse treatment services for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year, provided the payments are made on a fee-for-service basis consistent with requirements established for Medicaid reimbursement by the Department of Healthcare and Family Services, except as required by subsection (j) of this Section. Beginning on June 30, 2021, medical payments made by the Department of Human Services relating to substance abuse treatment services payable from appropriations that have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

(b-6) Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations, except as required by subsection (j) of this Section. Beginning on June 30, 2021, payments made by the Department of Human Services from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986 payable from appropriations that have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

~~Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.~~

~~Lease payments may be made by the Department of Central Management Services under the sale and leaseback provisions of Section 7.4 of the State Property Control Act with respect to the James R. Thompson Center and the Elgin Mental Health Center and surrounding land from appropriations for that purpose without regard to any fiscal year limitations.~~

~~Lease payments may be made under the sale and leaseback provisions of Section 7.5 of the State Property Control Act with respect to the Illinois State Toll Highway Authority headquarters building and surrounding land without regard to any fiscal year limitations.~~

(b-7) Payments may be made in accordance with a plan authorized by paragraph (11) or (12) of Section 405-105 of the Department of Central Management Services Law from appropriations for those payments without regard to fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health, ~~and~~ the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) , and the Department of Healthcare and Family Services from their respective appropriations for

grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year, except as required by subsection (j) of this Section. Beginning on June 30, 2021, payments made by the Department of Public Health, the Department of Human Services, and the Department of Healthcare and Family Services from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program payable from appropriations that have otherwise expired may be paid out of the expiring appropriations during the 4-month period ending at the close of business on October 31.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Healthcare and Family Services, the Department of Human Services (acting as successor to the Department of Public Aid), and the Department of Human Services making fee-for-service payments relating to substance abuse treatment services provided during a previous fiscal year shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for (i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Healthcare and Family Services under subsection (e) shall include the following information with respect to the State's Medicaid program:

(1) Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.

(2) Factors affecting the Department of Healthcare and Family Services' liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.

(3) The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

(1) billing user agencies in advance for payments or authorized inter-fund transfers based on estimated charges for goods or services;

(2) issuing credits, refunding through inter-fund transfers, or reducing future inter-fund transfers during the subsequent fiscal year for all user agency payments or authorized inter-fund transfers received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and

(3) issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments or authorized inter-fund transfers received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued or by increasing an authorized inter-fund transfer during the current fiscal year. For the purposes of this Act, "inter-fund transfers" means transfers without the use of the voucher-warrant process, as authorized by Section 9.01 of the State Comptroller Act.

(i-1) Beginning on July 1, 2021, all outstanding liabilities, not payable during the 4-month lapse period as described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and (c) of this Section, that are made from appropriations for that purpose for any fiscal year, without regard to the fact that the services being compensated for by those payments may have been rendered in a prior fiscal year, are limited to only those claims that have been incurred but for which a proper bill or invoice as defined by the State Prompt Payment Act has not been received by September 30th following the end of the fiscal year in which the service was rendered.

(j) Notwithstanding any other provision of this Act, the aggregate amount of payments to be made without regard for fiscal year limitations as contained in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and determined by using Generally Accepted Accounting Principles, shall not exceed the following amounts:

(1) $6,000,000,000 for outstanding liabilities related to fiscal year 2012;

(2) $5,300,000,000 for outstanding liabilities related to fiscal year 2013;

(3) $4,600,000,000 for outstanding liabilities related to fiscal year 2014;

(4) $4,000,000,000 for outstanding liabilities related to fiscal year 2015;

(5) $3,300,000,000 for outstanding liabilities related to fiscal year 2016;

(6) $2,600,000,000 for outstanding liabilities related to fiscal year 2017;

(7) $2,000,000,000 for outstanding liabilities related to fiscal year 2018;

(8) $1,300,000,000 for outstanding liabilities related to fiscal year 2019;

(9) $600,000,000 for outstanding liabilities related to fiscal year 2020; and

(10) $0 for outstanding liabilities related to fiscal year 2021 and fiscal years thereafter.

(Source: P.A. 95-331, eff. 8-21-07; 96-928, eff. 6-15-10; 96-958, eff. 7-1-10; revised 7-22-10.)

Section 15. The State Prompt Payment Act is amended by changing Section 3-2 as follows:

(30 ILCS 540/3-2)

Sec. 3-2. Beginning July 1, 1993, in any instance where a State official or agency is late in payment of a vendor's bill or invoice for goods or services furnished to the State, as defined in Section 1, properly approved in accordance with rules promulgated under Section 3-3, the State official or agency shall pay interest to the vendor in accordance with the following:

(1) Any bill, except a bill submitted under Article V of the Illinois Public Aid Code, approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60 day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60 day period, until final payment is made. Any bill, except a bill for pharmacy services or goods, submitted under Article V of the Illinois Public Aid Code approved for payment under this Section must be paid or the payment issued to the payee within 60 days after receipt of a proper bill or invoice, and, if payment is not issued to the payee within this 60-day period, an interest penalty of 2.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made. Any bill for pharmacy services or goods submitted under Article V of the Illinois Public Aid Code, approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60 day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60 day period, until final payment is made.

(1.1) A State agency shall review in a timely manner each bill or invoice after its receipt. If the State agency determines that the bill or invoice contains a defect making it unable to process the payment request, the agency shall notify the vendor requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under Section 3-3; provided, however, that the notice for construction related bills or invoices must be given not later than 30 days after the bill or invoice was first submitted. The notice shall identify the defect and any additional information necessary

to correct the defect. If one or more items on a construction related bill or invoice are disapproved, but not the entire bill or invoice, then the portion that is not disapproved shall be paid.

(2) Where a State official or agency is late in payment of a vendor's bill or invoice properly approved in accordance with this Act, and different late payment terms are not reduced to writing as a contractual agreement, the State official or agency shall automatically pay interest penalties required by this Section amounting to $50 or more to the appropriate vendor. Each agency shall be responsible for determining whether an interest penalty is owed and for paying the interest to the vendor. Interest due to a vendor that amounts to less than $50 shall not be paid but shall be accrued until all interest due the vendor for all similar warrants exceeds $50, at which time the accrued interest shall be payable and interest will begin accruing again, except that interest accrued as of the end of the fiscal year that does not exceed $50 shall be payable at that time. In the event an individual has paid a vendor for services in advance, the provisions of this Section shall apply until payment is made to that individual.

(3) The provisions of this amendatory Act of the 96th General Assembly reducing the interest rate on pharmacy claims under Article V of the Illinois Public Aid Code to 1.0% per month shall apply to any pharmacy bills for services and goods under Article V of the Illinois Public Aid Code received on or after the date 60 days before the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-555, eff. 8-18-09; 96-802, eff. 1-1-10; 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10.)

Section 20. The Illinois Income Tax Act is amended by changing Section 917 as follows:

(35 ILCS 5/917) (from Ch. 120, par. 9-917)

Sec. 917. Confidentiality and information sharing.

(a) Confidentiality. Except as provided in this Section, all information received by the Department from returns filed under this Act, or from any investigation conducted under the provisions of this Act, shall be confidential, except for official purposes within the Department or pursuant to official procedures for collection of any State tax or pursuant to an investigation or audit by the Illinois State Scholarship Commission of a delinquent student loan or monetary award or enforcement of any civil or criminal penalty or sanction imposed by this Act or by another statute imposing a State tax, and any person who divulges any such information in any manner, except for such purposes and pursuant to order of the Director or in accordance with a proper judicial order, shall be guilty of a Class A misdemeanor. However, the provisions of this paragraph are not applicable to information furnished to (i) the Department of Healthcare and Family Services (formerly Department of Public Aid), State's Attorneys, and the Attorney General for child support enforcement purposes and (ii) a licensed attorney representing the taxpayer where an appeal or a protest has been filed on behalf of the taxpayer. If it is necessary to file information obtained pursuant to this Act in a child support enforcement proceeding, the information shall be filed under seal.

(b) Public information. Nothing contained in this Act shall prevent the Director from publishing or making available to the public the names and addresses of persons filing returns under this Act, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed.

(c) Governmental agencies. The Director may make available to the Secretary of the Treasury of the United States or his delegate, or the proper officer or his delegate of any other state imposing a tax upon or measured by income, for exclusively official purposes, information received by the Department in the administration of this Act, but such permission shall be granted only if the United States or such other state, as the case may be, grants the Department substantially similar privileges. The Director may exchange information with the Department of Healthcare and Family Services and the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act, the Illinois Public Aid Code, and any other health benefit program administered by the State ~~and the Illinois Public Aid Code~~. The Director may exchange information with the Director of the Department of Employment Security for the purpose of verifying sources and amounts of income and for other purposes directly connected with the administration of this Act and Acts administered by the Department of Employment Security. The Director may make available to the Illinois Workers' Compensation Commission information regarding employers for the purpose of verifying the insurance coverage required under the Workers' Compensation Act and Workers' Occupational Diseases Act. The Director may exchange information with the Illinois Department on Aging for the purpose of verifying sources and amounts of income for purposes directly related to confirming eligibility for participation in the programs of benefits authorized by the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

The Director may make available to any State agency, including the Illinois Supreme Court, which licenses persons to engage in any occupation, information that a person licensed by such agency has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. The Director may make available to any State agency, including the Illinois Supreme Court, information regarding whether a bidder, contractor, or an affiliate of a bidder or contractor has failed to file returns under this Act or pay the tax, penalty, and interest shown therein, or has failed to pay any final assessment of tax, penalty, or interest due under this Act, for the limited purpose of enforcing bidder and contractor certifications. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

The Director may make available to any State agency, including the Illinois Supreme Court, units of local government, and school districts, information regarding whether a bidder or contractor is an affiliate of a person who is not collecting and remitting Illinois Use taxes, for the limited purpose of enforcing bidder and contractor certifications.

The Director may also make available to the Secretary of State information that a corporation which has been issued a certificate of incorporation by the Secretary of State has failed to file returns under this Act or pay the tax, penalty and interest shown therein, or has failed to pay any final assessment of tax, penalty or interest due under this Act. An assessment is final when all proceedings in court for review of such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. For taxable years ending on or after December 31, 1987, the Director may make available to the Director or principal officer of any Department of the State of Illinois, information that a person employed by such Department has failed to file returns under this Act or pay the tax, penalty and interest shown therein. For purposes of this paragraph, the word "Department" shall have the same meaning as provided in Section 3 of the State Employees Group Insurance Act of 1971.

(d) The Director shall make available for public inspection in the Department's principal office and for publication, at cost, administrative decisions issued on or after January 1, 1995. These decisions are to be made available in a manner so that the following taxpayer information is not disclosed:

(1) The names, addresses, and identification numbers of the taxpayer, related entities, and employees.

(2) At the sole discretion of the Director, trade secrets or other confidential information identified as such by the taxpayer, no later than 30 days after receipt of an administrative decision, by such means as the Department shall provide by rule.

The Director shall determine the appropriate extent of the deletions allowed in paragraph (2). In the event the taxpayer does not submit deletions, the Director shall make only the deletions specified in paragraph (1).

The Director shall make available for public inspection and publication an administrative decision within 180 days after the issuance of the administrative decision. The term "administrative decision" has the same meaning as defined in Section 3-101 of Article III of the Code of Civil Procedure. Costs collected under this Section shall be paid into the Tax Compliance and Administration Fund.

(e) Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer, by an authorized representative of the taxpayer, or, in the case of information related to a joint return, by the spouse filing the joint return with the taxpayer.

(Source: P.A. 94-1074, eff. 12-26-06; 95-331, eff. 8-21-07.)

Section 25. The Illinois Insurance Code is amended by changing Section 5.5 as follows:

(215 ILCS 5/5.5)

Sec. 5.5. Compliance with the Department of Healthcare and Family Services. A company authorized to do business in this State or accredited by the State to issue policies of health insurance, including but not limited to, self-insured plans, group health plans (as defined in Section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers, or other parties that are by statute, contract, or agreement legally responsible for payment of a

claim for a health care item or service as a condition of doing business in the State must:

(1) provide to the Department of Healthcare and Family Services, or any successor agency, on at least a quarterly basis if so requested by the Department, information ~~upon request information~~ to determine during what period any individual may be, or may have been, covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan;

(2) accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the medical programs of the Department of Healthcare and Family Services, or any successor agency, under this Code or the Illinois Public Aid Code;

(3) respond to any inquiry by the Department of Healthcare and Family Services regarding a claim for payment for any health care item or service that is submitted not later than 3 years after the date of the provision of such health care item or service; and

(4) agree not to deny a claim submitted by the Department of Healthcare and Family Services solely on the basis of the date of submission of the claim, the type or format of the claim form, or a failure to present proper documentation at the point-of-sale that is the basis of the claim if (i) the claim is submitted by the Department of Healthcare and Family Services within the 3-year period beginning on the date on which the item or service was furnished and (ii) any action by the Department of Healthcare and Family Services to enforce its rights with respect to such claim is commenced within 6 years of its submission of such claim.

In cases in which the Department of Healthcare and Family Services has determined that an entity that provides health insurance coverage has established a pattern of failure to provide the information required under this Section, and has subsequently certified that determination, along with supporting documentation, to the Director of the Department of Insurance, the Director of the Department of Insurance, based upon the certification of determination made by the Department of Healthcare and Family Services, may commence regulatory proceedings in accordance with all applicable provisions of the Illinois Insurance Code.

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

Section 30. TheChildren's Health Insurance Program Act is amended by changing Section 15 and by adding Sections 7, 21, 23, and 26 as follows:

(215 ILCS 106/7 new)

Sec. 7. Eligibility verification. Notwithstanding any other provision of this Act, with respect to applications for benefits provided under the Program, eligibility shall be determined in a manner that ensures program integrity and that complies with federal law and regulations while minimizing unnecessary barriers to enrollment. To this end, as soon as practicable, and unless the Department receives written denial from the federal government, this Section shall be implemented:

(a) The Department of Healthcare and Family Services or its designees shall:

(1) By no later than July 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the eligibility of applicants to the Program. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section.

(2) By no later than October 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the continued eligibility of recipients at their annual review of eligibility under the Program. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section. The Department shall send a notice to the recipient at least 60 days prior to the end of the period of eligibility that informs them of the requirements for continued eligibility. If a recipient does not fulfill the requirements for continued eligibility by the deadline established in the notice, a notice of cancellation shall be issued to the recipient and coverage shall end on the last day of the eligibility period. A recipient's eligibility may be reinstated without requiring a new application if the recipient fulfills the requirements for continued eligibility prior to the end of the month following the last date of coverage. Nothing in this Section shall prevent an individual whose coverage has been cancelled from reapplying for health benefits at any time.

(3) By no later than July 1, 2011, require verification of Illinois residency.

(b) The Department shall establish or continue cooperative arrangements with the Social Security Administration, the Illinois Secretary of State, the Department of Human Services, the Department of

Revenue, the Department of Employment Security, and any other appropriate entity to gain electronic access, to the extent allowed by law, to information available to those entities that may be appropriate for electronically verifying any factor of eligibility for benefits under the Program. Data relevant to eligibility shall be provided for no other purpose than to verify the eligibility of new applicants or current recipients of health benefits under the Program. Data will be requested or provided for any new applicant or current recipient only insofar as that individual's circumstances are relevant to that individual's or another individual's eligibility.

(c) Within 90 days of the effective date of this amendatory Act of the 96th General Assembly, the Department of Healthcare and Family Services shall send notice to current recipients informing them of the changes regarding their eligibility verification.

(215 ILCS 106/15)

Sec. 15. Operation of the Program. There is hereby created a Children's Health Insurance Program. The Program shall operate subject to appropriation and shall be administered by the Department of Healthcare and Family Services. The Department shall have the powers and authority granted to the Department under the Illinois Public Aid Code, including, but not limited to, Section 11-5.1 of the Code. The Department may contract with a Third Party Administrator or other entities to administer and oversee any portion of this Program.

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

(215 ILCS 106/21 new)

Sec. 21. Presumptive eligibility. Beginning on the effective date of this amendatory Act of the 96th General Assembly and except where federal law requires presumptive eligibility, no adult may be presumed eligible for health care coverage under the Program, and the Department may not cover any service rendered to an adult unless the adult has completed an application for benefits, all required verifications have been received and the Department or its designee has found the adult eligible for the date on which that service was provided. Nothing in this Section shall apply to pregnant women.

(215 ILCS 106/23 new)

Sec. 23. Care coordination.

(a) At least 50% of recipients eligible for comprehensive medical benefits in all medical assistance programs or other health benefit programs administered by the Department, including the Children's Health Insurance Program Act and the Covering ALL KIDS Health Insurance Act, shall be enrolled in a care coordination program by no later than January 1, 2015. For purposes of this Section, "coordinated care" or "care coordination" means delivery systems where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of care, including primary care physician services, referrals from primary care physicians, diagnostic and treatment services, behavioral health services, in-patient and outpatient hospital services, dental services, and rehabilitation and long-term care services. The Department shall designate or contract for such integrated delivery systems (i) to ensure enrollees have a choice of systems and of primary care providers within such systems; (ii) to ensure that enrollees receive quality care in a culturally and linguistically appropriate manner; and (iii) to ensure that coordinated care programs meet the diverse needs of enrollees with developmental, mental health, physical, and age-related disabilities.

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

(c) To qualify for compliance with this Section, the 50% goal shall be achieved by enrolling medical assistance enrollees from each medical assistance enrollment category, including parents, children, seniors, and people with disabilities to the extent that current State Medicaid payment laws would not limit federal matching funds for recipients in care coordination programs. In addition, services must be more comprehensively defined and more risk shall be assumed than in the Department's primary care case management program as of the effective date of this amendatory Act of the 96th General Assembly.

(d) The Department shall report to the General Assembly in a separate part of its annual medical assistance program report, beginning April, 2012 until April, 2016, on the progress and implementation of the care coordination program initiatives established by the provisions of this amendatory Act of the 96th General Assembly. The Department shall include in its April 2011 report a full analysis of federal laws or regulations regarding upper payment limitations to providers and the necessary revisions or adjustments in

rate methodologies and payments to providers under this Code that would be necessary to implement coordinated care with full financial risk by a party other than the Department.

(215 ILCS 106/26 new)

Sec. 26. Moratorium on eligibility expansions. Beginning on the effective date of this amendatory Act of the 96th General Assembly, there shall be a 2-year moratorium on the expansion of eligibility through increasing financial eligibility standards, or through increasing income disregards, or through the creation of new programs that would add new categories of eligible individuals under the medical assistance program under the Illinois Public Aid Code in addition to those categories covered on January 1, 2011. This moratorium shall not apply to expansions required as a federal condition of State participation in the medical assistance program.

Section 35. The Covering ALL KIDS Health Insurance Act is amended by changing Sections 15, 20, and 98 and by adding Sections 7, 21, 26, 36, and 56 as follows:

(215 ILCS 170/7 new)

Sec. 7. Eligibility verification. Notwithstanding any other provision of this Act, with respect to applications for benefits provided under the Program, eligibility shall be determined in a manner that ensures program integrity and that complies with federal law and regulations while minimizing unnecessary barriers to enrollment. To this end, as soon as practicable, and unless the Department receives written denial from the federal government, this Section shall be implemented:

(a) The Department of Healthcare and Family Services or its designees shall:

(1) By July 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the eligibility of applicants to the Program. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section.

(2) By October 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the continued eligibility of recipients at their annual review of eligibility under the Program. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section. The Department shall send a notice to recipients at least 60 days prior to the end of their period of eligibility that informs them of the requirements for continued eligibility. If a recipient does not fulfill the requirements for continued eligibility by the deadline established in the notice, a notice of cancellation shall be issued to the recipient and coverage shall end on the last day of the eligibility period. A recipient's eligibility may be reinstated without requiring a new application if the recipient fulfills the requirements for continued eligibility prior to the end of the month following the last date of coverage. Nothing in this Section shall prevent an individual whose coverage has been cancelled from reapplying for health benefits at any time.

(3) By July 1, 2011, require verification of Illinois residency.

(b) The Department shall establish or continue cooperative arrangements with the Social Security Administration, the Illinois Secretary of State, the Department of Human Services, the Department of Revenue, the Department of Employment Security, and any other appropriate entity to gain electronic access, to the extent allowed by law, to information available to those entities that may be appropriate for electronically verifying any factor of eligibility for benefits under the Program. Data relevant to eligibility shall be provided for no other purpose than to verify the eligibility of new applicants or current recipients of health benefits under the Program. Data will be requested or provided for any new applicant or current recipient only insofar as that individual's circumstances are relevant to that individual's or another individual's eligibility.

(c) Within 90 days of the effective date of this amendatory Act of the 96th General Assembly, the Department of Healthcare and Family Services shall send notice to current recipients informing them of the changes regarding their eligibility verification.

(215 ILCS 170/15)

(Section scheduled to be repealed on July 1, 2011)

Sec. 15. Operation of Program. The Covering ALL KIDS Health Insurance Program is created. The Program shall be administered by the Department of Healthcare and Family Services. The Department shall have the same powers and authority to administer the Program as are provided to the Department in connection with the Department's administration of the Illinois Public Aid Code, including, but not limited to, the provisions under Section 11-5.1 of the Code, and the Children's Health Insurance Program Act. The

Department shall coordinate the Program with the existing children's health programs operated by the Department and other State agencies.
(Source: P.A. 94-693, eff. 7-1-06.)

(215 ILCS 170/20)

(Section scheduled to be repealed on July 1, 2011)

Sec. 20. Eligibility.

(a) To be eligible for the Program, a person must be a child:

(1) who is a resident of the State of Illinois; ~~and~~

(2) who is ineligible for medical assistance under the Illinois Public Aid Code or benefits under the Children's Health Insurance Program Act; ~~and~~

(3) either (i) who has been without health insurance coverage for ~~a period set forth by the Department in rules, but not less than 6 months during the first month of operation of the Program, 7 months during the second month of operation, 8 months during the third month of operation, 9 months during the fourth month of operation, 10 months during the fifth month of operation, 11 months during the sixth month of operation, and~~ 12 months ~~thereafter~~, (ii) whose parent has lost employment that made available affordable dependent health insurance coverage, until such time as affordable employer-sponsored dependent health insurance coverage is again available for the child as set forth by the Department in rules, (iii) who is a newborn whose responsible relative does not have available affordable private or employer-sponsored health insurance, or (iv) who, within one year of applying for coverage under this Act, lost medical benefits under the Illinois Public Aid Code or the Children's Health Insurance Program Act; and ~~.~~

(3.5) whose household income, as determined by the Department, is at or below 300% of the federal poverty level. This item (3.5) is effective July 1, 2011.

An entity that provides health insurance coverage (as defined in Section 2 of the Comprehensive Health Insurance Plan Act) to Illinois residents shall provide health insurance data match to the Department of Healthcare and Family Services as provided by and subject to Section 5.5 of the Illinois Insurance Code ~~for the purpose of determining eligibility for the Program under this Act~~.

The Department of Healthcare and Family Services, in collaboration with the Department ~~of Financial and Professional Regulation, Division~~ of Insurance, shall adopt rules governing the exchange of information under this Section. The rules shall be consistent with all laws relating to the confidentiality or privacy of personal information or medical records, including provisions under the Federal Health Insurance Portability and Accountability Act (HIPAA).

(b) The Department shall monitor the availability and retention of employer-sponsored dependent health insurance coverage and shall modify the period described in subdivision (a)(3) if necessary to promote retention of private or employer-sponsored health insurance and timely access to healthcare services, but at no time shall the period described in subdivision (a)(3) be less than 6 months.

(c) The Department, at its discretion, may take into account the affordability of dependent health insurance when determining whether employer-sponsored dependent health insurance coverage is available upon reemployment of a child's parent as provided in subdivision (a)(3).

(d) A child who is determined to be eligible for the Program shall remain eligible for 12 months, provided that the child maintains his or her residence in this State, has not yet attained 19 years of age, and is not excluded under subsection (e).

(e) A child is not eligible for coverage under the Program if:

(1) the premium required under Section 40 has not been timely paid; if the required premiums are not paid, the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums have been paid; re-enrollment shall be completed before the next covered medical visit, and the first month's required premium shall be paid in advance of the next covered medical visit; or

(2) the child is an inmate of a public institution or an institution for mental diseases.

(f) The Department may ~~shall~~ adopt ~~eligibility~~ rules, including, but not limited to: rules regarding annual renewals of eligibility for the Program in conformance with Section 7 of this Act; ~~rules regarding annual renewals of eligibility for the Program;~~ rules providing for re-enrollment, grace periods, notice requirements, and hearing procedures under subdivision (e)(1) of this Section; and rules regarding what constitutes availability and affordability of private or employer-sponsored health insurance, with consideration of such factors as the percentage of income needed to purchase children or family health insurance, the availability of employer subsidies, and other relevant factors.

(g) Each child enrolled in the Program as of July 1, 2011 whose family income, as established by the Department, exceeds 300% of the federal poverty level may remain enrolled in the Program for 12 additional months commencing July 1, 2011. Continued enrollment pursuant to this subsection shall be available only if the child continues to meet all eligibility criteria established under the Program as of the effective date of this amendatory Act of the 96th General Assembly without a break in coverage. Nothing contained in this subsection shall prevent a child from qualifying for any other health benefits program operated by the Department.

(Source: P.A. 96-1272, eff. 1-1-11.)

(215 ILCS 170/21 new)

Sec. 21. Presumptive eligibility. Beginning on the effective date of this amendatory Act of the 96th General Assembly and except where federal law or regulation requires presumptive eligibility, no adult may be presumed eligible for health care coverage under the Program and the Department may not cover any service rendered to an adult unless the adult has completed an application for benefits, all required verifications have been received, and the Department or its designee has found the adult eligible for the date on which that service was provided. Nothing in this Section shall apply to pregnant women.

(215 ILCS 170/36 new)

Sec. 36. Moratorium on eligibility expansions. Beginning on the effective date of this amendatory Act of the 96th General Assembly, there shall be a 2-year moratorium on the expansion of eligibility through increasing financial eligibility standards, or through increasing income disregards, or through the creation of new programs that would add new categories of eligible individuals under the medical assistance program under the Illinois Public Aid Code in addition to those categories covered on January 1, 2011. This moratorium shall not apply to expansions required as a federal condition of State participation in the medical assistance program.

(215 ILCS 170/56 new)

Sec. 56. Care coordination.

(a) At least 50% of recipients eligible for comprehensive medical benefits in all medical assistance programs or other health benefit programs administered by the Department, including the Children's Health Insurance Program Act and the Covering ALL KIDS Health Insurance Act, shall be enrolled in a care coordination program by no later than January 1, 2015. For purposes of this Section, "coordinated care" or "care coordination" means delivery systems where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of care, including primary care physician services, referrals from primary care physicians, diagnostic and treatment services, behavioral health services, in-patient and outpatient hospital services, dental services, and rehabilitation and long-term care services. The Department shall designate or contract for such integrated delivery systems (i) to ensure enrollees have a choice of systems and of primary care providers within such systems; (ii) to ensure that enrollees receive quality care in a culturally and linguistically appropriate manner; and (iii) to ensure that coordinated care programs meet the diverse needs of enrollees with developmental, mental health, physical, and age-related disabilities.

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

(c) To qualify for compliance with this Section, the 50% goal shall be achieved by enrolling medical assistance enrollees from each medical assistance enrollment category, including parents, children, seniors, and people with disabilities to the extent that current State Medicaid payment laws would not limit federal matching funds for recipients in care coordination programs. In addition, services must be more comprehensively defined and more risk shall be assumed than in the Department's primary care case management program as of the effective date of this amendatory Act of the 96th General Assembly.

(d) The Department shall report to the General Assembly in a separate part of its annual medical assistance program report, beginning April, 2012 until April, 2016, on the progress and implementation of the care coordination program initiatives established by the provisions of this amendatory Act of the 96th General Assembly. The Department shall include in its April 2011 report a full analysis of federal laws or regulations regarding upper payment limitations to providers and the necessary revisions or adjustments in rate methodologies and payments to providers under this Code that would be necessary to implement coordinated care with full financial risk by a party other than the Department.

(215 ILCS 170/98)

(Section scheduled to be repealed on July 1, 2011)

Sec. 98. Repealer. This Act is repealed on July 1, 2016 ~~July 1, 2011~~.

(Source: P.A. 94-693, eff. 7-1-06.)

Section 40. The Illinois Public Aid Code is amended by changing Sections 5-4.1, 5-5.12, 5-11, 8A-2.5, and 11-26 and by adding Sections 5-1.3, 5-1.4, 5-2.03, 5-11a, 5-29, 5-30, and 11-5.1 as follows:

(305 ILCS 5/5-1.3 new)

Sec. 5-1.3. Payer of last resort. To the extent permissible under federal law, the State may pay for medical services only after payment from all other sources of payment have been exhausted, or after the Department has determined that pursuit of such payment is economically unfeasible. Applicants for, and recipients of, medical assistance under this Code shall disclose to the State all insurance coverage they have. To the extent permissible under federal law, the State shall require vendors of medical services to bill third-party payers for services that may be covered by those third-party payers prior to submission of a request for payment to the State. The Department shall, to the extent permissible under federal law, reject a request for payment of a medical service that should first have been submitted to a third-party payer.

(305 ILCS 5/5-1.4 new)

Sec. 5-1.4. Moratorium on eligibility expansions. Beginning on the effective date of this amendatory Act of the 96th General Assembly, there shall be a 2-year moratorium on the expansion of eligibility through increasing financial eligibility standards, or through increasing income disregards, or through the creation of new programs which would add new categories of eligible individuals under the medical assistance program in addition to those categories covered on January 1, 2011. This moratorium shall not apply to expansions required as a federal condition of State participation in the medical assistance program.

(305 ILCS 5/5-2.03 new)

Sec. 5-2.03. Presumptive eligibility. Beginning on the effective date of this amendatory Act of the 96th General Assembly and except where federal law requires presumptive eligibility, no adult may be presumed eligible for medical assistance under this Code and the Department may not cover any service rendered to an adult unless the adult has completed an application for benefits, all required verifications have been received, and the Department or its designee has found the adult eligible for the date on which that service was provided. Nothing in this Section shall apply to pregnant women.

(305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

Sec. 5-4.1. Co-payments. The Department may by rule provide that recipients under any Article of this Code shall pay a fee as a co-payment for services. Co-payments shall be maximized to the extent permitted by federal law ~~may not exceed $3 for brand name drugs, $1 for other pharmacy services other than for generic drugs, and $2 for physicians services, dental services, optical services and supplies, chiropractic services, podiatry services, and encounter rate clinic services. There shall be no co-payment for generic drugs. Co-payments may not exceed $3 for hospital outpatient and clinic services~~. Provided, however, that any such rule must provide that no co-payment requirement can exist for renal dialysis, radiation therapy, cancer chemotherapy, or insulin, and other products necessary on a recurring basis, the absence of which would be life threatening, or where co-payment expenditures for required services and/or medications for chronic diseases that the Illinois Department shall by rule designate shall cause an extensive financial burden on the recipient, and provided no co-payment shall exist for emergency room encounters which are for medical emergencies. The Department shall seek approval of a State plan amendment that allows pharmacies to refuse to dispense drugs in circumstances where the recipient does not pay the required co-payment. In the event the State plan amendment is rejected, co-payments may not exceed $3 for brand name drugs, $1 for other pharmacy services other than for generic drugs, and $2 for physician services, dental services, optical services and supplies, chiropractic services, podiatry services, and encounter rate clinic services. There shall be no co-payment for generic drugs. Co-payments may not exceed $3 for hospital outpatient and clinic services.

(Source: P.A. 92-597, eff. 6-28-02; 93-593, eff. 8-25-03.)

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments.

(a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the

acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) (Blank).

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral, anti-hemophilic factor concentrates, or any atypical antipsychotics, conventional antipsychotics, or anticonvulsants used for the treatment of serious mental illnesses until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate. The Department shall review utilization of narcotic medications in the medical assistance program and impose utilization controls that protect against abuse.

(e) When making determinations as to which drugs shall be on a prior approval list, the Department shall include as part of the analysis for this determination, the degree to which a drug may affect individuals in different ways based on factors including the gender of the person taking the medication.

(f) ~~(e)~~ The Department shall cooperate with the Department of Public Health and the Department of Human Services Division of Mental Health in identifying psychotropic medications that, when given in a particular form, manner, duration, or frequency (including "as needed") in a dosage, or in conjunction with other psychotropic medications to a nursing home resident, may constitute a chemical restraint or an "unnecessary drug" as defined by the Nursing Home Care Act or Titles XVIII and XIX of the Social Security Act and the implementing rules and regulations. The Department shall require prior approval for any such medication prescribed for a nursing home resident that appears to be a chemical restraint or an unnecessary drug. The Department shall consult with the Department of Human Services Division of Mental Health in developing a protocol and criteria for deciding whether to grant such prior approval.

(g) The Department may by rule provide for reimbursement of the dispensing of a 90-day supply of a generic, non-narcotic maintenance medication in circumstances where it is cost effective.

(Source: P.A. 96-1269, eff. 7-26-10; 96-1372, eff. 7-29-10; revised 9-2-10.)

(305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

Sec. 5-11. Co-operative arrangements; contracts with other State agencies, health care and rehabilitation organizations, and fiscal intermediaries.

(a) The Illinois Department may enter into co-operative arrangements with State agencies responsible for administering or supervising the administration of health services and vocational rehabilitation services to the end that there may be maximum utilization of such services in the provision of medical assistance.

The Illinois Department shall, not later than June 30, 1993, enter into one or more co-operative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with developmental disabilities, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with such State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible therefor under this Article. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated pursuant to the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department shall renegotiate the contracts with health maintenance organizations and managed care community networks that took effect August 1, 2003, so as to produce $70,000,000 savings to the Department net of resulting increases to the fee-for-service program for State fiscal year 2006. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in this State for the Federal Government in respect to Medicare payments under Title XVIII of the Federal Social Security Act to act for the Department in paying medical care suppliers. The provisions of Section 9 of "An Act in relation to State finance", approved June 10, 1919, as amended, notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.

(b) For purposes of this subsection (b), "managed care community network" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within this State and that provides or arranges primary, secondary, and tertiary managed health care

services under contract with the Illinois Department exclusively to persons participating in programs administered by the Illinois Department.

The Illinois Department may certify managed care community networks, including managed care community networks owned, operated, managed, or governed by State-funded medical schools, as risk-bearing entities eligible to contract with the Illinois Department as Medicaid managed care organizations. The Illinois Department may contract with those managed care community networks to furnish health care services to or arrange those services for individuals participating in programs administered by the Illinois Department. The rates for those provider-sponsored organizations may be determined on a prepaid, capitated basis. A managed care community network may choose to contract with the Illinois Department to provide only pediatric health care services. The Illinois Department shall by rule adopt the criteria, standards, and procedures by which a managed care community network may be permitted to contract with the Illinois Department and shall consult with the Department of Insurance in adopting these rules.

A county provider as defined in Section 15-1 of this Code may contract with the Illinois Department to provide primary, secondary, or tertiary managed health care services as a managed care community network without the need to establish a separate entity and shall be deemed a managed care community network for purposes of this Code only to the extent it provides services to participating individuals. A county provider is entitled to contract with the Illinois Department with respect to any contracting region located in whole or in part within the county. A county provider is not required to accept enrollees who do not reside within the county.

In order to (i) accelerate and facilitate the development of integrated health care in contracting areas outside counties with populations in excess of 3,000,000 and counties adjacent to those counties and (ii) maintain and sustain the high quality of education and residency programs coordinated and associated with local area hospitals, the Illinois Department may develop and implement a demonstration program from managed care community networks owned, operated, managed, or governed by State-funded medical schools. The Illinois Department shall prescribe by rule the criteria, standards, and procedures for effecting this demonstration program.

A managed care community network that contracts with the Illinois Department to furnish health care services to or arrange those services for enrollees participating in programs administered by the Illinois Department shall do all of the following:

(1) Provide that any provider affiliated with the managed care community network may also provide services on a fee-for-service basis to Illinois Department clients not enrolled in such managed care entities.

(2) Provide client education services as determined and approved by the Illinois Department, including but not limited to (i) education regarding appropriate utilization of health care services in a managed care system, (ii) written disclosure of treatment policies and restrictions or limitations on health services, including, but not limited to, physical services, clinical laboratory tests, hospital and surgical procedures, prescription drugs and biologics, and radiological examinations, and (iii) written notice that the enrollee may receive from another provider those covered services that are not provided by the managed care community network.

(3) Provide that enrollees within the system may choose the site for provision of services and the panel of health care providers.

(4) Not discriminate in enrollment or disenrollment practices among recipients of medical services or enrollees based on health status.

(5) Provide a quality assurance and utilization review program that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(6) Issue a managed care community network identification card to each enrollee upon enrollment. The card must contain all of the following:

(A) The enrollee's health plan.

(B) The name and telephone number of the enrollee's primary care physician or the site for receiving primary care services.

(C) A telephone number to be used to confirm eligibility for benefits and authorization for services that is available 24 hours per day, 7 days per week.

(7) Ensure that every primary care physician and pharmacy in the managed care community network meets the standards established by the Illinois Department for accessibility and quality of care. The Illinois Department shall arrange for and oversee an evaluation of the standards established under

this paragraph (7) and may recommend any necessary changes to these standards.

(8) Provide a procedure for handling complaints that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(9) Maintain, retain, and make available to the Illinois Department records, data, and information, in a uniform manner determined by the Illinois Department, sufficient for the Illinois Department to monitor utilization, accessibility, and quality of care.

(10) (Blank) ~~Provide that the pharmacy formulary used by the managed care community network and its contract providers be no more restrictive than the Illinois Department's pharmaceutical program on the effective date of this amendatory Act of 1998 and as amended after that date~~.

The Illinois Department shall contract with an entity or entities to provide external peer-based quality assurance review for the managed health care programs administered by the Illinois Department. The entity shall meet all federal requirements for an external quality review organization ~~be representative of Illinois physicians licensed to practice medicine in all its branches and have statewide geographic representation in all specialities of medical care that are provided in managed health care programs administered by the Illinois Department. The entity may not be a third party payer and shall maintain offices in locations around the State in order to provide service and continuing medical education to physician participants within those managed health care programs administered by the Illinois Department. The review process shall be developed and conducted by Illinois physicians licensed to practice medicine in all its branches. In consultation with the entity, the Illinois Department may contract with other entities for professional peer based quality assurance review of individual categories of services other than services provided, supervised, or coordinated by physicians licensed to practice medicine in all its branches. The Illinois Department shall establish, by rule, criteria to avoid conflicts of interest in the conduct of quality assurance activities consistent with professional peer review standards. All quality assurance activities shall be coordinated by the Illinois Department~~.

Each managed care community network must demonstrate its ability to bear the financial risk of serving individuals under this program. The Illinois Department shall by rule adopt standards for assessing the solvency and financial soundness of each managed care community network. Any solvency and financial standards adopted for managed care community networks shall be no more restrictive than the solvency and financial standards adopted under Section 1856(a) of the Social Security Act for provider-sponsored organizations under Part C of Title XVIII of the Social Security Act.

The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1998 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the adoption of rules to implement these changes is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) Not later than June 30, 1996, the Illinois Department shall enter into one or more cooperative arrangements with the Department of Public Health for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act or both, which shall be administered and conducted solely by the Department of Public Health. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team. The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Healthcare and Family Services (formerly Department of Public Aid) from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Section shall not apply to community or intermediate care facilities for persons with developmental disabilities.

(d) Nothing in this Code in any way limits or otherwise impairs the authority or power of the Illinois Department to enter into a negotiated contract pursuant to this Section with a managed care community network or a health maintenance organization, as defined in the Health Maintenance Organization Act, that provides for termination or nonrenewal of the contract without cause, upon notice as provided in the contract, and without a hearing.

(Source: P.A. 94-48, eff. 7-1-05; 95-331, eff. 8-21-07.)

(305 ILCS 5/5-11a new)

Sec. 5-11a. Health Benefit Information Systems.

(a) It is the intent of the General Assembly to support unified electronic systems initiatives that will improve management of information related to medical assistance programs. This will include improved

management capabilities and new systems for Eligibility, Verification, and Enrollment (EVE) that will simplify and increase efficiencies in and access to the medical assistance programs and ensure program integrity. The Department of Healthcare and Family Services, in coordination with the Department of Human Services and other appropriate state agencies, shall develop a plan by July 1, 2011, that will:

(1) Subject to federal and State privacy and confidentiality laws and regulations, meet standards for timely eligibility verification and enrollment, and annual redetermination of eligibility, of applicants for and recipients of means-tested health benefits sponsored by the State, including medical assistance under this Code.

(2) Receive and update data electronically from the Social Security Administration, the U.S. Postal Service, the Illinois Secretary of State, the Department of Revenue, the Department of Employment Security, and other governmental entities, as appropriate and to the extent allowed by law, for verification of any factor of eligibility for medical assistance and for updating addresses of applicants and recipients of medical assistance and other health benefit programs administered by the Department. Data relevant to eligibility shall be provided for no other purpose than to verify the eligibility of new applicants or current recipients of health benefits provided by the State. Data shall be requested or provided for any individual only insofar as that new applicant or current recipient's circumstances are relevant to that individual's or another individual's eligibility for State-sponsored health benefits.

(3) Meet federal requirements for timely installation by January 1, 2014 to provide integration with a Health Benefits Exchange pursuant to the requirements of the federal Affordable Care Act and the Reconciliation Act and any subsequent amendments thereto and to ensure capture of the maximum available federal financial participation (FFP).

(4) Meet federal requirements for compliance with architectural standards, including, but not limited to, (i) the use of a module development as outlined by the Medicaid Information Technology Architecture standards, (ii) the use of federally approved open-interfaces where they exist, (iii) the use or the creation of open-interfaces where necessary, and (iv) the use of rules technology that can dynamically accept and modify rules in standard formats.

(5) Include plans to ensure coordination with the State of Illinois Framework Project that will (i) expedite and simplify access to services provided by Illinois human services programs; (ii) streamline administration and data sharing; (iii) enhance planning capacity, program evaluation, and fraud detection or prevention with access to cross-agency data; and (iv) simplify service reporting for contracted providers.

(b) The Department of Healthcare and Family Services shall continue to plan for and implement a new Medicaid Management Information System (MMIS) and upgrade the capabilities of the MMIS data warehouse. Upgrades shall include, among other things, enhanced capabilities in data analysis including the ability to identify risk factors that could impact the treatment and resulting quality of care, and tools that perform predictive analytics on data applying to newborns, women with high risk pregnancies, and other populations served by the Department.

(c) The Department of Healthcare and Family Services shall report in its annual Medical Assistance program report each April through April, 2015 on the progress and implementation of this plan.

(305 ILCS 5/5-29 new)

Sec. 5-29. Income Limits and Parental Responsibility. In light of the unprecedented fiscal crisis confronting the State, it is the intent of the General Assembly to explore whether the income limits and income counting methods established for children under the Covering ALL KIDS Health Insurance Act, pursuant to this amendatory Act of the 96th General Assembly, should apply to medical assistance programs available to children made eligible under the Illinois Public Aid Code, including through home and community based services waiver programs authorized under Section 1915(c) of the Social Security Act, where parental income is currently not considered in determining a child's eligibility for medical assistance. The Department of Healthcare and Family Services is hereby directed, with the participation of the Department of Human Services and stakeholders, to conduct an analysis of these programs to determine parental cost sharing opportunities, how these opportunities may impact the children currently in the programs, waivers and on the waiting list, and any other factors which may increase efficiencies and decrease State costs. The Department is further directed to review how services under these programs and waivers may be provided by the use of a combination of skilled, unskilled, and uncompensated care and to advise as to what revisions to the Nurse Practice Act, and Acts regulating other relevant professions, are necessary to accomplish this combination of care. The Department shall submit a written analysis on the children's programs and waivers as part of the Department's annual Medicaid reports due to the General Assembly in 2011 and 2012.

(305 ILCS 5/5-30 new)

Sec. 5-30. Care coordination.

(a) At least 50% of recipients eligible for comprehensive medical benefits in all medical assistance programs or other health benefit programs administered by the Department, including the Children's Health Insurance Program Act and the Covering ALL KIDS Health Insurance Act, shall be enrolled in a care coordination program by no later than January 1, 2015. For purposes of this Section, "coordinated care" or "care coordination" means delivery systems where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of care, including primary care physician services, referrals from primary care physicians, diagnostic and treatment services, behavioral health services, in-patient and outpatient hospital services, dental services, and rehabilitation and long-term care services. The Department shall designate or contract for such integrated delivery systems (i) to ensure enrollees have a choice of systems and of primary care providers within such systems; (ii) to ensure that enrollees receive quality care in a culturally and linguistically appropriate manner; and (iii) to ensure that coordinated care programs meet the diverse needs of enrollees with developmental, mental health, physical, and age-related disabilities.

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

(c) To qualify for compliance with this Section, the 50% goal shall be achieved by enrolling medical assistance enrollees from each medical assistance enrollment category, including parents, children, seniors, and people with disabilities to the extent that current State Medicaid payment laws would not limit federal matching funds for recipients in care coordination programs. In addition, services must be more comprehensively defined and more risk shall be assumed than in the Department's primary care case management program as of the effective date of this amendatory Act of the 96th General Assembly.

(d) The Department shall report to the General Assembly in a separate part of its annual medical assistance program report, beginning April, 2012 until April, 2016, on the progress and implementation of the care coordination program initiatives established by the provisions of this amendatory Act of the 96th General Assembly. The Department shall include in its April 2011 report a full analysis of federal laws or regulations regarding upper payment limitations to providers and the necessary revisions or adjustments in rate methodologies and payments to providers under this Code that would be necessary to implement coordinated care with full financial risk by a party other than the Department.

(305 ILCS 5/8A-2.5)

Sec. 8A-2.5. Unauthorized use of medical assistance.

(a) Any person who knowingly uses, acquires, possesses, or transfers a medical card in any manner not authorized by law or by rules and regulations of the Illinois Department, or who knowingly alters a medical card, or who knowingly uses, acquires, possesses, or transfers an altered medical card, is guilty of a violation of this Article and shall be punished as provided in Section 8A-6.

(b) Any person who knowingly obtains unauthorized medical benefits with or without use of a medical card is guilty of a violation of this Article and shall be punished as provided in Section 8A-6.

(c) The Department may seek to recover any and all State and federal monies for which it has improperly and erroneously paid benefits as a result of a fraudulent action and any civil penalties authorized in this Section. Pursuant to Section 11-14.5 of this Code, the Department may determine the monetary value of benefits improperly and erroneously received. The Department may recover the monies paid for such benefits and interest on that amount at the rate of 5% per annum for the period from which payment was made to the date upon which repayment is made to the State. Prior to the recovery of any amount paid for benefits allegedly obtained by fraudulent means, the recipient of such benefits shall be afforded an opportunity for a hearing after reasonable notice. The notice shall be served personally or by certified or registered mail or as otherwise provided by law upon the parties or their agents appointed to receive service of process and shall include the following:

(1) A statement of the time, place and nature of the hearing.

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(3) A reference to the particular Sections of the substantive and procedural statutes and rules involved.

(4) Except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or other reference number.

(5) A statement of the monetary value of the benefits fraudulently received by the person accused.

(6) A statement that, in addition to any other penalties provided by law, a civil penalty in an amount not to exceed $2,000 may be imposed for each fraudulent claim for benefits or payments.

(7) A statement providing that the determination of the monetary value may be contested by petitioning the Department for an administrative hearing within 30 days from the date of mailing the notice.

(8) The names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing unless otherwise confidential by law.

An opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence and argument.

Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

Any final order, decision, or other determination made, issued or executed by the Director under the provisions of this Article whereby any person is aggrieved shall be subject to review in accordance with the provisions of the Administrative Review Law, and the rules adopted pursuant thereto, which shall apply to and govern all proceeding for the judicial review of final administrative decisions of the Director.

Upon entry of a final administrative decision for repayment of any benefits obtained by fraudulent means, or for any civil penalties assessed, a lien shall attach to all property and assets of such person, firm, corporation, association, agency, institution, or other legal entity until the judgment is satisfied.

Within 12 months of the effective date of this amendatory Act of the 96th General Assembly, the Department of Healthcare and Family Services will report to the General Assembly on the number of fraud cases identified and pursued, and the fines assessed and collected. The report will also include the Department's analysis as to the use of private sector resources to bring action, investigate, and collect monies owed.

(Source: P.A. 89-289, eff. 1-1-96.)

(305 ILCS 5/11-5.1 new)

Sec. 11-5.1. Eligibility verification. Notwithstanding any other provision of this Code, with respect to applications for medical assistance provided under Article V of this Code, eligibility shall be determined in a manner that ensures program integrity and complies with federal laws and regulations while minimizing unnecessary barriers to enrollment. To this end, as soon as practicable, and unless the Department receives written denial from the federal government, this Section shall be implemented:

(a) The Department of Healthcare and Family Services or its designees shall:

(1) By no later than July 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the eligibility of applicants for medical assistance under this Code. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section.

(2) By no later than October 1, 2011, require verification of, at a minimum, one month's income from all sources required for determining the continued eligibility of recipients at their annual review of eligibility for medical assistance under this Code. Such verification shall take the form of pay stubs, business or income and expense records for self-employed persons, letters from employers, and any other valid documentation of income including data obtained electronically by the Department or its designees from other sources as described in subsection (b) of this Section. The Department shall send a notice to recipients at least 60 days prior to the end of their period of eligibility that informs them of the requirements for continued eligibility. If a recipient does not fulfill the requirements for continued eligibility by the deadline established in the notice a notice of cancellation shall be issued to the recipient and coverage shall end on the last day of the eligibility period. A recipient's eligibility may be reinstated without requiring a new application if the recipient fulfills the requirements for continued eligibility prior to the end of the month following the last date of coverage. Nothing in this Section shall prevent an individual whose coverage has been cancelled from reapplying for health benefits at any time.

(3) By no later than July 1, 2011, require verification of Illinois residency.

(b) The Department shall establish or continue cooperative arrangements with the Social Security Administration, the Illinois Secretary of State, the Department of Human Services, the Department of Revenue, the Department of Employment Security, and any other appropriate entity to gain electronic access, to the extent allowed by law, to information available to those entities that may be appropriate for electronically verifying any factor of eligibility for benefits under the Program. Data relevant to eligibility shall be provided for no other purpose than to verify the eligibility of new applicants or current recipients

of health benefits under the Program. Data shall be requested or provided for any new applicant or current recipient only insofar as that individual's circumstances are relevant to that individual's or another individual's eligibility.

(c) Within 90 days of the effective date of this amendatory Act of the 96th General Assembly, the Department of Healthcare and Family Services shall send notice to current recipients informing them of the changes regarding their eligibility verification.

(305 ILCS 5/11-26) (from Ch. 23, par. 11-26)

Sec. 11-26. Recipient's abuse of medical care; restrictions on access to medical care.

(a) When the Department determines, on the basis of statistical norms and medical judgment, that a medical care recipient has received medical services in excess of need and with such frequency or in such a manner as to constitute an abuse of the recipient's medical care privileges, the recipient's access to medical care may be restricted.

(b) When the Department has determined that a recipient is abusing his or her medical care privileges as described in this Section, it may require that the recipient designate a primary provider type ~~primary care provider, primary care pharmacy, or health maintenance organization~~ of the recipient's own choosing to assume responsibility for the recipient's care. For the purposes of this subsection, "primary provider type" means a primary care provider, primary care pharmacy, primary dentist, primary podiatrist, or primary durable medical equipment provider. Instead of requiring a recipient to make a designation as provided in this subsection, the Department, pursuant to rules adopted by the Department and without regard to any choice of an entity that the recipient might otherwise make, may initially designate a primary provider type provided that the primary provider type is willing to provide that care ~~primary care provider, primary care pharmacy, or health maintenance organization to assume responsibility for the recipient's care, provided that the primary care provider, primary care pharmacy, or health maintenance organization is willing to provide that care~~.

(c) When the Department has requested that a recipient designate a primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~ and the recipient fails or refuses to do so, the Department may, after a reasonable period of time, assign the recipient to a primary provider type of its own choice and determination, provided such primary provider type is willing to provide such care ~~primary care provider, primary care pharmacy or health maintenance organization of its own choice and determination, provided such primary care provider, primary care pharmacy or health maintenance organization is willing to provide such care~~.

(d) When a recipient has been restricted to a designated primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~, the recipient may change the primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~:

(1) when the designated source becomes unavailable, as the Department shall determine by rule; or

(2) when the designated primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~ notifies the Department that it wishes to withdraw from any obligation as primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~; or

(3) in other situations, as the Department shall provide by rule.

The Department shall, by rule, establish procedures for providing medical or pharmaceutical services when the designated source becomes unavailable or wishes to withdraw from any obligation as primary provider type ~~primary care provider, primary care pharmacy or health maintenance organization~~, shall, by rule, take into consideration the need for emergency or temporary medical assistance and shall ensure that the recipient has continuous and unrestricted access to medical care from the date on which such unavailability or withdrawal becomes effective until such time as the recipient designates a primary provider type or a primary provider type ~~care source or a primary care source~~ willing to provide such care is designated by the Department consistent with subsections (b) and (c) and such restriction becomes effective.

(e) Prior to initiating any action to restrict a recipient's access to medical or pharmaceutical care, the Department shall notify the recipient of its intended action. Such notification shall be in writing and shall set forth the reasons for and nature of the proposed action. In addition, the notification shall:

(1) inform the recipient that (i) the recipient has a right to designate a primary provider type ~~primary care provider, primary care pharmacy, or health maintenance organization~~ of the recipient's own choosing willing to accept such designation and that the recipient's failure to do so within a reasonable time may result in such designation being made by the Department or (ii) the Department

has designated a primary provider type ~~primary care provider, primary care pharmacy, or health maintenance organization~~ to assume responsibility for the recipient's care; and

(2) inform the recipient that the recipient has a right to appeal the Department's determination to restrict the recipient's access to medical care and provide the recipient with an explanation of how such appeal is to be made. The notification shall also inform the recipient of the circumstances under which unrestricted medical eligibility shall continue until a decision is made on appeal and that if the recipient chooses to appeal, the recipient will be able to review the medical payment data that was utilized by the Department to decide that the recipient's access to medical care should be restricted.

(f) The Department shall, by rule or regulation, establish procedures for appealing a determination to restrict a recipient's access to medical care, which procedures shall, at a minimum, provide for a reasonable opportunity to be heard and, where the appeal is denied, for a written statement of the reason or reasons for such denial.

(g) Except as otherwise provided in this subsection, when a recipient has had his or her medical card restricted for 4 full quarters (without regard to any period of ineligibility for medical assistance under this Code, or any period for which the recipient voluntarily terminates his or her receipt of medical assistance, that may occur before the expiration of those 4 full quarters), the Department shall reevaluate the recipient's medical usage to determine whether it is still in excess of need and with such frequency or in such a manner as to constitute an abuse of the receipt of medical assistance. If it is still in excess of need, the restriction shall be continued for another 4 full quarters. If it is no longer in excess of need, the restriction shall be discontinued. If a recipient's access to medical care has been restricted under this Section and the Department then determines, either at reevaluation or after the restriction has been discontinued, to restrict the recipient's access to medical care a second or subsequent time, the second or subsequent restriction may be imposed for a period of more than 4 full quarters. If the Department restricts a recipient's access to medical care for a period of more than 4 full quarters, as determined by rule, the Department shall reevaluate the recipient's medical usage after the end of the restriction period rather than after the end of 4 full quarters. The Department shall notify the recipient, in writing, of any decision to continue the restriction and the reason or reasons therefor. A "quarter", for purposes of this Section, shall be defined as one of the following 3-month periods of time: January-March, April-June, July-September or October-December.

(h) In addition to any other recipient whose acquisition of medical care is determined to be in excess of need, the Department may restrict the medical care privileges of the following persons:

(1) recipients found to have loaned or altered their cards or misused or falsely represented medical coverage;

(2) recipients found in possession of blank or forged prescription pads;

(3) recipients who knowingly assist providers in rendering excessive services or defrauding the medical assistance program.

The procedural safeguards in this Section shall apply to the above individuals.

(i) Restrictions under this Section shall be in addition to and shall not in any way be limited by or limit any actions taken under Article VIII-A of this Code.

(Source: P.A. 88-554, eff. 7-26-94.)

(305 ILCS 5/5-5.15 rep.)

Section 45. The Illinois Public Aid Code is amended by repealing Section 5-5.15.

Section 50. The Illinois Vehicle Code is amended by changing Section 2-123 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 for orders received before October 1, 2003 and $500 for orders received on or after October 1, 2003, in advance, and require in

addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 for orders received before October 1, 2003 and $50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State may compile a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and may contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6 before October 1, 2003 and a fee of $12 on and after October 1, 2003, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section. The Secretary of State may, without fee, allow a parent or guardian of a person under the age of 18 years, who holds an instruction permit or graduated driver's license, to view that person's driving record online, through a computer connection. The parent or guardian's online access to the driving record will terminate when the instruction permit or graduated driver's license holder reaches the age of 18.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6 before October 1, 2003 and a fee of $12 on or after October 1, 2003, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All

other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act, (5.5) to the Department of Healthcare and Family Services and the Department of Human Services solely for the purpose of verifying Illinois residency where such residency is an eligibility requirement for benefits under the Illinois Public Aid Code or any other health benefit program administered by the Department of Healthcare and Family Services or the Department of Human Services, or (6) to the Illinois Department of Revenue solely for use by the Department in the collection of any tax or debt that the Department of Revenue is authorized or required by law to collect, provided that the Department shall not disclose the social security number to any person or entity outside of the Department.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that (i) for fees collected before October 1, 2003, $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund, (ii) for fees collected on and after October 1, 2003, of the $12 fee for a driver's record, $3 shall be paid into the Secretary of State Special Services Fund and $6 shall be paid into the General Revenue Fund, and (iii) for fees collected on and after October 1, 2003, 50% of the amounts collected pursuant to subsection (b) shall be paid into the General Revenue Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

(Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331, eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08; 96-1383, eff. 1-1-11.)

Section 95. Severability. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid application or provision, and to this end the provisions of this Act are declared to be severable.

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5420 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 2376

A bill for AN ACT concerning finance.

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. 2376

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

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 2376 by replacing everything after the enacting clause with the following:

"Section 5. The Local Government Debt Reform Act is amended by changing Section 15 as follows:

(30 ILCS 350/15) (from Ch. 17, par. 6915)

Sec. 15. Double-barrelled bonds. Whenever revenue bonds have been authorized to be issued pursuant to applicable law or whenever there exists for a governmental unit a revenue source, the procedures set forth in this Section may be used by a governing body. General obligation bonds may be issued in lieu of such revenue bonds as authorized, and general obligation bonds may be issued payable from any revenue source. Such general obligation bonds may be referred to as "alternate bonds". Alternate bonds may be issued without any referendum or backdoor referendum except as provided in this Section, upon the terms provided in Section 10 of this Act without reference to other provisions of law, but only upon the conditions provided in this Section. Alternate bonds shall not be regarded as or included in any computation of indebtedness for the purpose of any statutory provision or limitation except as expressly provided in this Section.

Such conditions are:

(a) Alternate bonds shall be issued for a lawful corporate purpose. If issued in lieu of revenue bonds, alternate bonds shall be issued for the purposes for which such revenue bonds shall have been authorized. If issued payable from a revenue source in the manner hereinafter provided, which revenue source is limited in its purposes or applications, then the alternate bonds shall be issued only for such limited purposes or applications. Alternate bonds may be issued payable from either enterprise revenues or revenue sources, or both.

(b) Alternate bonds shall be subject to backdoor referendum. The provisions of Section 5 of this Act shall apply to such backdoor referendum, together with the provisions hereof. The authorizing ordinance shall be published in a newspaper of general circulation in the governmental unit. Along with or as part of the authorizing ordinance, there shall be published a notice of (1) the specific number of voters required to sign a petition requesting that the issuance of the alternate bonds be submitted to referendum, (2) the time when such petition must be filed, (3) the date of the prospective referendum, and (4), with respect to authorizing ordinances adopted on or after January 1, 1991, a statement that identifies any revenue source that will be used to pay debt service on the alternate bonds. The clerk or secretary of the governmental unit shall make a petition form available to anyone requesting one. If no petition is filed with the clerk or secretary within 30 days of publication of the authorizing ordinance and notice, the alternate bonds shall be authorized to be issued. But if within this 30 days period, a petition is filed with such clerk or secretary signed by electors numbering the greater of (i) 7.5% of the registered voters in the governmental unit or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, asking that the issuance of such alternate bonds be submitted to referendum, the clerk or secretary shall certify such question for submission at an election held in accordance with the general election law. The question on the ballot shall include a statement of any revenue source that will be used to pay debt service on the alternate bonds. The alternate bonds shall be authorized to be issued if a majority of the votes cast on the question at such

election are in favor thereof provided that notice of the bond referendum, if held before July 1, 1999, has been given in accordance with the provisions of Section 12-5 of the Election Code in effect at the time of the bond referendum, at least 10 and not more than 45 days before the date of the election, notwithstanding the time for publication otherwise imposed by Section 12-5. Notices required in connection with the submission of public questions on or after July 1, 1999 shall be as set forth in Section 12-5 of the Election Code. Backdoor referendum proceedings for bonds and alternate bonds to be issued in lieu of such bonds may be conducted at the same time. Notwithstanding any other provision of this Section, a backdoor referendum is not required if at least 90% of the revenue source pledged to the payment of the alternate bonds as determined by the audit or feasibility report is expected to be obtained from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code.

(c) To the extent payable from enterprise revenues, such revenues shall have been determined by the governing body to be sufficient to provide for or pay in each year to final maturity of such alternate bonds all of the following: (1) costs of operation and maintenance of the utility or enterprise, but not including depreciation, (2) debt service on all outstanding revenue bonds payable from such enterprise revenues, (3) all amounts required to meet any fund or account requirements with respect to such outstanding revenue bonds, (4) other contractual or tort liability obligations, if any, payable from such enterprise revenues, and (5) in each year, an amount not less than 1.25 times debt service of all (i) alternate bonds payable from such enterprise revenues previously issued and outstanding and (ii) alternate bonds proposed to be issued. To the extent payable from one or more revenue sources, such sources shall have been determined by the governing body to provide in each year, an amount not less than 1.25 times debt service of all alternate bonds payable from such revenue sources previously issued and outstanding and alternate bonds proposed to be issued. The 1.25 figure in the preceding sentence shall be reduced to 1.10 if the revenue source is a governmental revenue source. The conditions enumerated in this subsection (c) need not be met for that amount of debt service provided for by the setting aside of proceeds of bonds or other moneys at the time of the delivery of such bonds. ~~Notwithstanding any other provision of this Section, a backdoor referendum is not required if the proceeds backing the debt are realized from revenues obtained from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code.~~

(c-1) In the case of alternate bonds issued as variable rate bonds (including refunding bonds), debt service shall be projected based on the rate for the most recent date shown in the 20 G.O. Bond Index of average municipal bond yields as published in the most recent edition of The Bond Buyer published in New York, New York (or any successor publication or index, or if such publication or index is no longer published, then any index of long-term municipal tax-exempt bond yields selected by the governmental unit), as of the date of determination referred to in subsection (c) of this Section. Any interest or fees that may be payable to the provider of a letter of credit, line of credit, surety bond, bond insurance, or other credit enhancement relating to such alternate bonds and any fees that may be payable to any remarketing agent need not be taken into account for purposes of such projection. If the governmental unit enters into an agreement in connection with such alternate bonds at the time of issuance thereof pursuant to which the governmental unit agrees for a specified period of time to pay an amount calculated at an agreed-upon rate or index based on a notional amount and the other party agrees to pay the governmental unit an amount calculated at an agreed-upon rate or index based on such notional amount, interest shall be projected for such specified period of time on the basis of the agreed-upon rate payable by the governmental unit.

(d) The determination of the sufficiency of enterprise revenues or a revenue source, as applicable, shall be supported by reference to the most recent audit of the governmental unit, which shall be for a fiscal year ending not earlier than 18 months previous to the time of issuance of the alternate bonds. If such audit does not adequately show such enterprise revenues or revenue source, as applicable, or if such enterprise revenues or revenue source, as applicable, are shown to be insufficient, then the determination of sufficiency shall be supported by the report of an independent accountant or feasibility analyst, the latter having a national reputation for expertise in such matters, demonstrating the sufficiency of such revenues and explaining, if appropriate, by what means the revenues will be greater than as shown in the audit. Whenever such sufficiency is demonstrated by reference to a schedule of higher rates or charges for enterprise revenues or a higher tax imposition for a revenue source, such higher rates, charges or taxes shall have been properly imposed by an ordinance adopted prior to the time of delivery of alternate bonds. The reference to and acceptance of an audit or report, as the case may be, and the determination of the governing body as to sufficiency of enterprise revenues or a revenue source shall be conclusive evidence that the conditions of this Section have been met and that the alternate bonds are valid.

(e) The enterprise revenues or revenue source, as applicable, shall be in fact pledged to the payment of the alternate bonds; and the governing body shall covenant, to the extent it is empowered to do so, to

provide for, collect and apply such enterprise revenues or revenue source, as applicable, to the payment of the alternate bonds and the provision of not less than an additional .25 (or .10 for governmental revenue sources) times debt service. The pledge and establishment of rates or charges for enterprise revenues, or the imposition of taxes in a given rate or amount, as provided in this Section for alternate bonds, shall constitute a continuing obligation of the governmental unit with respect to such establishment or imposition and a continuing appropriation of the amounts received. All covenants relating to alternate bonds and the conditions and obligations imposed by this Section are enforceable by any bondholder of alternate bonds affected, any taxpayer of the governmental unit, and the People of the State of Illinois acting through the Attorney General or any designee, and in the event that any such action results in an order finding that the governmental unit has not properly set rates or charges or imposed taxes to the extent it is empowered to do so or collected and applied enterprise revenues or any revenue source, as applicable, as required by this Act, the plaintiff in any such action shall be awarded reasonable attorney's fees. The intent is that such enterprise revenues or revenue source, as applicable, shall be sufficient and shall be applied to the payment of debt service on such alternate bonds so that taxes need not be levied, or if levied need not be extended, for such payment. Nothing in this Section shall inhibit or restrict the authority of a governing body to determine the lien priority of any bonds, including alternate bonds, which may be issued with respect to any enterprise revenues or revenue source.

In the event that alternate bonds shall have been issued and taxes, other than a designated revenue source, shall have been extended pursuant to the general obligation, full faith and credit promise supporting such alternate bonds, then the amount of such alternate bonds then outstanding shall be included in the computation of indebtedness of the governmental unit for purposes of all statutory provisions or limitations until such time as an audit of the governmental unit shall show that the alternate bonds have been paid from the enterprise revenues or revenue source, as applicable, pledged thereto for a complete fiscal year.

Alternate bonds may be issued to refund or advance refund alternate bonds without meeting any of the conditions set forth in this Section, except that the term of the refunding bonds shall not be longer than the term of the refunded bonds and that the debt service payable in any year on the refunding bonds shall not exceed the debt service payable in such year on the refunded bonds.

Once issued, alternate bonds shall be and forever remain until paid or defeased the general obligation of the governmental unit, for the payment of which its full faith and credit are pledged, and shall be payable from the levy of taxes as is provided in this Act for general obligation bonds.

The changes made by this amendatory Act of 1990 do not affect the validity of bonds authorized before September 1, 1990.

(Source: P.A. 95-675, eff. 10-11-07.)

Section 10. The Counties Code is amended by changing Section 5-1006.7 as follows:

(55 ILCS 5/5-1006.7)

Sec. 5-1006.7. School facility occupation taxes.

(a) A tax shall be imposed in any county ~~The county board of any county may impose a tax~~ upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of this State's government, at retail in the county on the gross receipts from the sales made in the course of business to provide revenue to be used exclusively for school facility purposes if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question as provided in subsection (c). The tax under this Section shall ~~may~~ be imposed only in one-quarter percent increments and may not exceed 1%.

This additional tax may not be imposed on the sale of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics. The Department of Revenue has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection. The Department shall deposit all taxes and penalties collected under this subsection into a special fund created for that purpose.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in Sections 1 through 1o, 2 through 2-70 (in respect to all provisions contained in those Sections other than the State rate of tax), 2a through 2h, 3 (except as to the

disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act as if those provisions were set forth in this subsection.

The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act permits the retailer to engage in a business that is taxable without registering separately with the Department under an ordinance or resolution under this subsection.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their seller's tax liability by separately stating that tax as an additional charge, which may be stated in combination, in a single amount, with State tax that sellers are required to collect under the Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(b) If a tax has been imposed under subsection (a), then a service occupation tax must also be imposed at the same rate upon all persons engaged, in the county, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to a sale of service.

This tax may not be imposed on sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department and deposited into a special fund created for that purpose. The Department has full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of a tax or penalty under this subsection.

In the administration of and compliance with this subsection, the Department and persons who are subject to this subsection shall (i) have the same rights, remedies, privileges, immunities, powers and duties, (ii) be subject to the same conditions, restrictions, limitations, penalties and definition of terms, and (iii) employ the same modes of procedure as are set forth in Sections 2 (except that that reference to State in the definition of supplier maintaining a place of business in this State means the county), 2a through 2d, 3 through 3-50 (in respect to all provisions contained in those Sections other than the State rate of tax), 4 (except that the reference to the State shall be to the county), 5, 7, 8 (except that the jurisdiction to which the tax is a debt to the extent indicated in that Section 8 is the county), 9 (except as to the disposition of taxes and penalties collected), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State means the county), Section 15, 16, 17, 18, 19, and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability by separately stating the tax as an additional charge, which may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, pursuant to any bracketed schedules set forth by the Department.

(c) The tax under this Section may not be imposed until~~, by ordinance or resolution of the county board,~~ the question of imposing the tax has been submitted to the electors of the county at a regular election and approved by a majority of the electors voting on the question. Upon receipt of ~~a resolution by the county board or~~ a resolution or resolutions by school district boards that represent more than 50% ~~at least 51%~~ of the student enrollment within the county, the regional superintendent of schools of the county or the county board must certify the question to the proper election authority for submission to the electors of the county at the next regular election at which the question lawfully may be submitted to the electors, all in accordance with the Election Code.

The election authority must submit the question in substantially the following form:

Shall ~~(name of county) be authorized to impose~~ a retailers' occupation tax and a service occupation tax (commonly referred to as

a "sales tax") be imposed in (name of county) at a rate of (insert rate) to be used exclusively for school facility purposes?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, then the tax shall be imposed at the rate set forth in the question ~~the county may, thereafter, impose the tax~~.

For the purposes of this subsection (c), "enrollment" means the head count of the students residing in the

county on the last school day of September of each year, which must be reported on the Illinois State Board of Education Public School Fall Enrollment/Housing Report.

(d) The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected under this Section to be deposited into the School Facility Occupation Tax Fund, which shall be an unappropriated trust fund held outside the State treasury.

On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the regional superintendents of schools in counties from which retailers or servicemen have paid taxes or penalties to the Department during the second preceding calendar month. The amount to be paid to each regional superintendent of schools and disbursed to him or her in accordance with 3-14.31 of the School Code, is equal to the amount (not including credit memoranda) collected from the county under this Section during the second preceding calendar month by the Department, (i) less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this Section, on behalf of the county, (ii) plus an amount that the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body; (iii) less an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; and (iv) less any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the county. When certifying the amount of a monthly disbursement to a regional superintendent of schools under this Section, the Department shall increase or decrease the amounts by an amount necessary to offset any miscalculation of previous disbursements within the previous 6 months from the time a miscalculation is discovered.

Within 10 days after receipt by the Comptroller from the Department of the disbursement certification to the regional superintendents of the schools provided for in this Section, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with directions contained in the certification.

If the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, then the Department shall notify the Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the Treasurer out of the School Facility Occupation Tax Fund.

(e) For the purposes of determining the local governmental unit whose tax is applicable, a retail sale by a producer of coal or another mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This subsection does not apply to coal or another mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the United States Constitution as a sale in interstate or foreign commerce.

(f) Nothing in this Section may be construed to authorize ~~a county board to impose~~ a tax to be imposed upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(g) If a county board imposes a tax under this Section before the effective date of this amendatory Act of the 96th General Assembly at a rate below the rate set forth in the question approved by a majority of electors of that county voting on the question, then the county board may, by ordinance, increase the rate of the tax up to the rate set forth in the question approved by a majority of electors of that county voting on the question. If a county board imposes a tax under this Section before the effective date of this amendatory Act of the 96th General Assembly, then the board may, by ordinance, discontinue or reduce the rate of the tax. If a tax is otherwise imposed under this Section on or after the effective date of this amendatory Act of the 96th General Assembly, then the county board may reduce or discontinue the tax, but only in accordance with subsection (h-5) of this Section. If, however, a school board issues bonds that are secured ~~backed~~ by the proceeds of the tax under this Section, then the county board may not reduce the tax rate or discontinue the tax if that rate reduction or discontinuance would adversely affect ~~inhibit~~ the school board's ability to pay the principal and interest on those bonds as they become due. If the county board reduces the tax rate or discontinues the tax, then a referendum must be held in accordance with subsection (c) of this Section in order to increase the rate of the tax or to reimpose the discontinued tax. The State of Illinois pledges to and agrees with the holders of bonds secured by proceeds of the tax imposed under this Section that the State will not limit or alter the rights, powers, and duties set forth in this Section so as to impair the terms of any contract made by school districts with those holders or in any way impair the rights and remedies of those holders until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on

behalf of such holders, are fully met and discharged.

The results of any election that imposes, reduces, or discontinues ~~authorizes a proposition to impose~~ a tax under this Section must be certified by the election authority, and ~~or to change the rate of the tax along with an ordinance imposing the tax, or~~ any ordinance that increases or lowers the rate or discontinues the tax ~~,~~ must be certified by the county clerk and , in each case, filed with the Illinois Department of Revenue either (i) on or before the first day of April, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of July next following the filing; or (ii) on or before the first day of October, whereupon the Department shall proceed to administer and enforce the tax or change in the rate as of the first day of January next following the filing.

(h) For purposes of this Section, "school facility purposes" means (i) the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities and (ii) the payment of bonds or other obligations heretofore or hereafter issued, including bonds or other obligations heretofore or hereafter issued to refund or to continue to refund bonds or other obligations issued, for school facility purposes, provided that the taxes levied to pay those bonds are abated by the amount of the taxes imposed under this Section that are used to pay those bonds. "School-facility purposes" also includes fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code.

(h-5) A county board in a county where a tax has been imposed under this Section on or after the effective date of this amendatory Act of the 96th General Assembly may, by ordinance or resolution, submit to the voters of the county the question of reducing or discontinuing the tax. In the ordinance or resolution, the county board shall certify the question to the proper election authority in accordance with the Election Code. The election authority must submit the question in substantially the following form:

"Shall the school facility retailers' occupation tax and service occupation tax (commonly referred to as the "school facility sales tax") currently imposed in (name of county) at a rate of (insert rate) be (reduced to (insert rate))(discontinued)?"

If a majority of the electors voting on the question vote in the affirmative, then, subject to the provisions of subsection (g) of this Section, the tax shall be reduced or discontinued as set forth in the question.

(i) This Section does not apply to Cook County.

(j) This Section may be cited as the County School Facility Occupation Tax Law.

(Source: P.A. 95-675, eff. 10-11-07.)

Section 15. The School Code is amended by changing Section 10-22.36 as follows:

(105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

Sec. 10-22.36. Buildings for school purposes. To build or purchase a building for school classroom or instructional purposes upon the approval of a majority of the voters upon the proposition at a referendum held for such purpose or in accordance with Section 17-2.11, 19-3.5, or 19-3.10. The board may initiate such referendum by resolution. The board shall certify the resolution and proposition to the proper election authority for submission in accordance with the general election law.

The questions of building one or more new buildings for school purposes or office facilities, and issuing bonds for the purpose of borrowing money to purchase one or more buildings or sites for such buildings or office sites, to build one or more new buildings for school purposes or office facilities or to make additions and improvements to existing school buildings, may be combined into one or more propositions on the ballot.

Before erecting, or purchasing or remodeling such a building the board shall submit the plans and specifications respecting heating, ventilating, lighting, seating, water supply, toilets and safety against fire to the regional superintendent of schools having supervision and control over the district, for approval in accordance with Section 2-3.12.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building of any such building ~~is completed~~ (1) occurs while the building is being leased by the school district or (2) is paid with ~~with the expenditure of~~ (A) funds derived from the sale or disposition of other buildings, land, or structures of the school district or (B) funds received (i) as a grant under the School Construction Law~~,~~ or (ii) as gifts or donations, provided that no funds to purchase, construct, or build ~~complete~~ such building, other than lease payments, are derived from the district's bonded indebtedness or the tax levy of the district~~, or (iii) from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code~~.

Notwithstanding any of the foregoing, no referendum shall be required if the purchase, construction, or building of any such building is paid with funds received from the County School Facility Occupation Tax Law under Section 5-1006.7 of the Counties Code or from the proceeds of bonds or other debt obligations secured by revenues obtained from that Law, provided that no funds to purchase, construct, or build such building are derived from the district's other bonded indebtedness or the property tax levy of the district.
(Source: P.A. 95-675, eff. 10-11-07; 96-517, eff. 8-14-09.)

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

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

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 2376 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 3659

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. 3659
Senate Amendment No. 3 to HOUSE BILL NO. 3659
Passed the Senate, as amended, January 5, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 3659 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 1-150 as follows:
(35 ILCS 200/1-150)

Sec. 1-150. Taxing District. Any ~~Any~~ unit of local government, school district or community college district with the power to levy taxes.
(Source: P.A. 86-1481; 87-877; 88-455.)".

AMENDMENT NO. 3. Amend House Bill 3659, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Use Tax Act is amended by changing Section 2 as follows:
(35 ILCS 105/2) (from Ch. 120, par. 439.2)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it does not include the sale of such property in any form as tangible personal property in the regular course of business to the extent that such property is not first subjected to a use for which it was purchased, and does not include the use of such property by its owner for demonstration purposes: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. "Use" does not mean the demonstration use or interim use of tangible personal property by a retailer before he sells that tangible personal property. For watercraft or aircraft, if the period of demonstration use or interim use by the retailer exceeds 18 months, the retailer shall pay on the retailers' original cost price the tax imposed by this Act, and no credit for that tax is permitted if the watercraft or aircraft is subsequently sold by the retailer. "Use" does not mean the physical incorporation of tangible personal property, to the extent not first subjected to a use for which it was purchased, as an ingredient or constituent, into other tangible personal property (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has

undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing.

"Watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

"Purchase at retail" means the acquisition of the ownership of or title to tangible personal property through a sale at retail.

"Purchaser" means anyone who, through a sale at retail, acquires the ownership of tangible personal property for a valuable consideration.

"Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use, and not for the purpose of resale in any form as tangible personal property to the extent not first subjected to a use for which it was purchased, for a valuable consideration: Provided that the property purchased is deemed to be purchased for the purpose of resale, despite first being used, to the extent to which it is resold as an ingredient of an intentionally produced product or by-product of manufacturing. For this purpose, slag produced as an incident to manufacturing pig iron or steel and sold is considered to be an intentionally produced by-product of manufacturing. "Sale at retail" includes any such transfer made for resale unless made in compliance with Section 2c of the Retailers' Occupation Tax Act, as incorporated by reference into Section 12 of this Act. Transactions whereby the possession of the property is transferred but the seller retains the title as security for payment of the selling price are sales.

"Sale at retail" shall also be construed to include any Illinois florist's sales transaction in which the purchase order is received in Illinois by a florist and the sale is for use or consumption, but the Illinois florist has a florist in another state deliver the property to the purchaser or the purchaser's donee in such other state.

Nonreusable tangible personal property that is used by persons engaged in the business of operating a restaurant, cafeteria, or drive-in is a sale for resale when it is transferred to customers in the ordinary course of business as part of the sale of food or beverages and is used to deliver, package, or consume food or beverages, regardless of where consumption of the food or beverages occurs. Examples of those items include, but are not limited to nonreusable, paper and plastic cups, plates, baskets, boxes, sleeves, buckets or other containers, utensils, straws, placemats, napkins, doggie bags, and wrapping or packaging materials that are transferred to customers as part of the sale of food or beverages in the ordinary course of business.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of tangible personal property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits, property other than as hereinafter provided, and services, but not including the value of or credit given for traded-in tangible personal property where the item that is traded-in is of like kind and character as that which is being sold, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's tax liability under the "Retailers' Occupation Tax Act", or on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act, or, except as otherwise provided with respect to any cigarette tax imposed by a home rule unit, on account of the seller's tax liability under any local occupation tax administered by the Department, or, except as otherwise provided with respect to any cigarette tax imposed by a home rule unit on account of the seller's duty to collect, from the purchasers, the tax that is imposed under any local use tax administered by the Department. Effective December 1, 1985, "selling price" shall include charges that are added to prices by sellers on account of the seller's tax liability under the Cigarette Tax Act, on account of the seller's duty to collect, from the purchaser, the tax imposed under the Cigarette Use Tax Act, and on account of the seller's duty to collect, from the purchaser, any cigarette tax imposed by a home rule unit.

The phrase "like kind and character" shall be liberally construed (including but not limited to any form of motor vehicle for any form of motor vehicle, or any kind of farm or agricultural implement for any other kind of farm or agricultural implement), while not including a kind of item which, if sold at retail by that retailer, would be exempt from retailers' occupation tax and use tax as an isolated or occasional sale.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section.

A person who holds himself or herself out as being engaged (or who habitually engages) in selling tangible personal property at retail is a retailer hereunder with respect to such sales (and not primarily in a service occupation) notwithstanding the fact that such person designs and produces such tangible personal property on special order for the purchaser and in such a way as to render the property of value only to such purchaser, if such tangible personal property so produced on special order serves substantially the same function as stock or standard items of tangible personal property that are sold at retail.

A person whose activities are organized and conducted primarily as a not-for-profit service enterprise, and who engages in selling tangible personal property at retail (whether to the public or merely to members and their guests) is a retailer with respect to such transactions, excepting only a person organized and operated exclusively for charitable, religious or educational purposes either (1), to the extent of sales by such person to its members, students, patients or inmates of tangible personal property to be used primarily for the purposes of such person, or (2), to the extent of sales by such person of tangible personal property which is not sold or offered for sale by persons organized for profit. The selling of school books and school supplies by schools at retail to students is not "primarily for the purposes of" the school which does such selling. This paragraph does not apply to nor subject to taxation occasional dinners, social or similar activities of a person organized and operated exclusively for charitable, religious or educational purposes, whether or not such activities are open to the public.

A person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (P.L. 92-258) and serves meals to participants in the federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the federal Act is not a retailer under this Act with respect to such transactions.

Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps are retailers hereunder when engaged in such business.

The isolated or occasional sale of tangible personal property at retail by a person who does not hold himself out as being engaged (or who does not habitually engage) in selling such tangible personal property at retail or a sale through a bulk vending machine does not make such person a retailer hereunder. However, any person who is engaged in a business which is not subject to the tax imposed by the "Retailers' Occupation Tax Act" because of involving the sale of or a contract to sell real estate or a construction contract to improve real estate, but who, in the course of conducting such business, transfers tangible personal property to users or consumers in the finished form in which it was purchased, and which does not become real estate, under any provision of a construction contract or real estate sale or real estate sales agreement entered into with some other person arising out of or because of such nontaxable business, is a retailer to the extent of the value of the tangible personal property so transferred. If, in such transaction, a separate charge is made for the tangible personal property so transferred, the value of such property, for the purposes of this Act, is the amount so separately charged, but not less than the cost of such property to the transferor; if no separate charge is made, the value of such property, for the purposes of this Act, is the cost to the transferor of such tangible personal property.

"Retailer maintaining a place of business in this State", or any like term, means and includes any of the following retailers:

1. A retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State. However, the ownership of property that is located at the premises of a printer with which the retailer has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the printed product is produced shall not result in the retailer being deemed to have or maintain an office, distribution house, sales house, warehouse, or other place of business within this State.

1.1. Beginning July 1, 2011, a retailer having a contract with a person located in this State under which the person, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers to the retailer by a link on the person's

Internet website. The provisions of this paragraph 1.1 shall apply only if the cumulative gross receipts from sales of tangible personal property by the retailer to customers who are referred to the retailer by all persons in this State under such contracts exceed $10,000 during the preceding 4 quarterly periods ending on the last day of March, June, September, and December.

1.2. Beginning July 1, 2011, a retailer having a contract with a person located in this State under which:

A. the retailer sells the same or substantially similar line of products as the person located in this State and does so using an identical or substantially similar name, trade name, or trademark as the person located in this State; and

B. the retailer provides a commission or other consideration to the person located in this State based upon the sale of tangible personal property by the retailer.

The provisions of this paragraph 1.2 shall apply only if the cumulative gross receipts from sales of tangible personal property by the retailer to customers in this State under all such contracts exceed $10,000 during the preceding 4 quarterly periods ending on the last day of March, June, September, and December.

2. A retailer soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State.

3. A retailer, pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions.

4. A retailer soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities.

5. A retailer that is owned or controlled by the same interests that own or control any retailer engaging in business in the same or similar line of business in this State.

6. A retailer having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section.

7. A retailer, pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State.

8. A retailer engaging in activities in Illinois, which activities in the state in which the retail business engaging in such activities is located would constitute maintaining a place of business in that state.

"Bulk vending machine" means a vending machine, containing unsorted confections, nuts, toys, or other items designed primarily to be used or played with by children which, when a coin or coins of a denomination not larger than $0.50 are inserted, are dispensed in equal portions, at random and without selection by the customer.

(Source: P.A. 94-1074, eff. 12-26-06; 95-723, eff. 6-23-08.)

Section 10. The Service Use Tax Act is amended by changing Section 2 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred

by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a-5) on and after July 1, 2003 and through June 30, 2004, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. Beginning on July 1, 2004 and through June 30, 2005, the use in this State of motor vehicles of the second division: (i) with a gross vehicle weight rating in excess of 8,000 pounds; (ii) that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code; and (iii) that are primarily used for commercial purposes. Through June 30, 2005, this exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. For purposes of this paragraph, "used for commercial purposes" means the transportation of persons or property in furtherance of any commercial or industrial enterprise whether for-hire or not.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as

an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) until July 1, 2003, a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes

chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

1.1. beginning July 1, 2011, having a contract with a person located in this State under which the person, for a commission or other consideration based on the sale of service by the, directly or indirectly refers potential customers to the serviceman by a link on the person's Internet website. The provisions of this paragraph 1.1 shall apply only if the cumulative gross receipts from sales of service by the serviceman to customers who are referred to the serviceman by all persons in this State under such contracts exceed $10,000 during the preceding 4 quarterly periods ending on the last day of March, June, September, and December;

1.2. beginning July 1, 2011, having a contract with a person located in this State under which:

A. the serviceman sells the same or substantially similar line of services as the person located in this State and does so using an identical or substantially similar name, trade name, or trademark as the person located in this State; and

B. the serviceman provides a commission or other consideration to the person located in this State based upon the sale of services by the serviceman.

The provisions of this paragraph 1.2 shall apply only if the cumulative gross receipts from sales of service by the serviceman to customers in this State under all such contracts exceed $10,000 during the preceding 4 quarterly periods ending on the last day of March, June, September, and December;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer

engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 92-484, eff. 8-23-01; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-1033, eff. 9-3-04.)

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

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 3659 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 5727

A bill for AN ACT concerning local government.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5727

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

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5727 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Sections 2-3003, 2-3004, 2-5009, and 2-5011 as follows:

(55 ILCS 5/2-3003) (from Ch. 34, par. 2-3003)

Sec. 2-3003. Apportionment plan.

(1) If the county board determines that members shall be elected by districts, it shall develop an apportionment plan and specify the number of districts and the number of county board members to be elected from each district and whether voters will have cumulative voting rights in multi-member districts. Each such district:

a. Shall be equal in population to each other district;

b. Shall be comprised of contiguous territory, as nearly compact as practicable; and

c. May divide townships or municipalities only when necessary to conform to the population requirement of paragraph a. of this Section.

d. Shall be created in such a manner so that no precinct shall be divided between 2 or more districts, insofar as is practicable.

(2) The county board of each county having a population of less than 3,000,000 inhabitants may, if it should so decide, provide within that county for single member districts outside the corporate limits and multi-member districts within the corporate limits of any municipality with a population in excess of 75,000. Paragraphs a, b, c and d of subsection (1) of this Section shall apply to the apportionment of both single and multi-member districts within a county to the extent that compliance with paragraphs a, b, c and d still permit the establishment of such districts, except that the population of any multi-member district shall be equal to the population of any single member district, times the number of members found within that multi-member district.

(3) In a county where the Chairman of the County Board is elected by the voters of the county as

provided in Section 2-3007, the Chairman of the County Board may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Chairman presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Chairman's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Chairman presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan presented by the Chairman. The Chairman shall have access to the federal decennial census available to the Board.

(4) In a county where a County Executive is elected by the voters of the county as provided in 2-5007 of the Counties Code, the County Executive may develop and present to the Board by the third Wednesday in May in the year after a federal decennial census year an apportionment plan in accordance with the provisions of subsection (1) of this Section. If the Executive presents a plan to the Board by the third Wednesday in May, the Board shall conduct at least one public hearing to receive comments and to discuss the apportionment plan, the hearing shall be held at least 6 days but not more than 21 days after the Executive's plan was presented to the Board, and the public shall be given notice of the hearing at least 6 days in advance. If the Executive presents a plan by the third Wednesday in May, the Board is prohibited from enacting an apportionment plan until after a hearing on the plan presented by the Executive. The Executive shall have access to the federal decennial census available to the Board.

(Source: P.A. 93-308, eff. 7-23-03.)

(55 ILCS 5/2-3004) (from Ch. 34, par. 2-3004)

Sec. 2-3004. Failure to complete reapportionment. If any county board fails to complete the reapportionment of its county by July 1 in 2011 ~~1971~~ or any 10 years thereafter or by the day after the county board's regularly scheduled July meeting in 2011 or any 10 years thereafter, whichever is later, the county clerk of that county shall convene the county apportionment commission. Three members of the commission shall constitute a quorum, but a majority of all the members must vote affirmatively on any determination made by the commission. The commission shall adopt rules for its procedure.

The commission shall develop an apportionment plan for the county in the manner provided by Section 2-3003, dividing the county into the same number of districts as determined by the county board. If the county board has failed to determine the size of the county board to be elected, then the number of districts and the number of members to be elected shall be the largest number to which the county is entitled under Section 2-3002.

The commission shall submit its apportionment plan by October 1 in the year that it is convened, except that the circuit court, for good cause shown, may grant an extension of time, not exceeding a total of 60 days, within which such a plan may be submitted.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5009) (from Ch. 34, par. 2-5009)

Sec. 2-5009. Duties and powers of county executive. Any county executive elected under this Division shall:

(a) see that all of the orders, resolutions and regulations of the board are faithfully executed;

(b) coordinate and direct by executive order or otherwise all administrative and management functions of the county government except the offices of elected county officers;

(c) prepare and submit to the board for its approval the annual budget for the county required by Division 6-1 of this Code;

(d) appoint, with the advice and consent of the board, persons to serve on the various boards and commissions to which appointments are provided by law to be made by the board;

(e) appoint, with the advice and consent of the board, persons to serve on various special districts within the county except where appointment to serve on such districts is otherwise provided by law;

(f) make an annual report to the board on the affairs of the county, on such date and at such time as the board shall designate, and keep the board fully advised as to the financial condition of the county and its future financial needs;

(f-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, appoint, with the advice and consent of the board, all department heads for any county departments;

(g) appoint, with the advice and consent of the board, such subordinate deputies, employees and appointees for the general administration of county affairs as considered necessary, except those deputies, employees and appointees in the office of an elected county officer; however, the advice and consent

requirement set forth in this paragraph shall not apply to persons employed as a member of the immediate personal staff of a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly;

(h) remove or suspend in his discretion, after due notice and hearing, anyone whom he has the power to appoint;

(i) require reports and examine accounts, records and operations of all county administrative units;

(j) supervise the care and custody of all county property including institutions and agencies;

(k) approve or veto ordinances or resolutions pursuant to Section 2-5010;

(l) preside over board meetings; however, the county executive is not entitled to vote except to break a tie vote;

(l-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, if the County Executive is temporarily not available to preside over a board meeting, the County Executive shall designate a board member to preside over the board meeting;

(m) call a special meeting of the county board, by a written executive order signed by him and upon 24 hours notice by delivery of a copy of such order to the residence of each board member;

(n) with the advice and consent of the county board, enter into intergovernmental agreements with other governmental units;

(o) with the advice and consent of the county board, negotiate on behalf of the county with governmental units and the private sector for the purpose of promoting economic growth and development;

(p) at his discretion, appoint a person to serve as legal counsel at an annual salary established by the county board at an amount no greater than the annual salary of the state's attorney of the county;

(q) perform such other duties as shall be required of him by the board.

(Source: P.A. 86-962.)

(55 ILCS 5/2-5011) (from Ch. 34, par. 2-5011)

Sec. 2-5011. Death, resignation or inability of county executive. In case of the death, resignation or other inability of the county executive to act, the board shall select a person qualified under Section 2-5008 and Section 25-11 of the Election Code to serve as the interim county executive until the next general election.

(Source: P.A. 86-962.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5727 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 6460

A bill for AN ACT concerning criminal law.

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. 6460

Senate Amendment No. 2 to HOUSE BILL NO. 6460

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

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 6460 on page 23, by inserting immediately below line 20 the following:

"Section 10. The Criminal Code of 1961 is amended by changing Sections 16-1, 16H-50, and 16H-55 and by adding Section 16H-70 as follows:

(720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

Sec. 16-1. Theft.

(a) A person commits theft when he knowingly:

(1) Obtains or exerts unauthorized control over property of the owner; or

(2) Obtains by deception control over property of the owner; or

(3) Obtains by threat control over property of the owner; or

(4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen; or

(5) Obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen ~~is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen~~, and

(A) Intends to deprive the owner permanently of the use or benefit of the property; or

(B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) Sentence.

(1) Theft of property not from the person and not exceeding $500 in value is a Class A misdemeanor.

(1.1) Theft of property not from the person and not exceeding $500 in value is a Class 4 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(2) A person who has been convicted of theft of property not from the person and not exceeding $500 in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicle, or a violation of Section 8 of the Illinois Credit Card and Debit Card Act is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

(3) (Blank).

(4) Theft of property from the person not exceeding $500 in value, or theft of property exceeding $500 and not exceeding $10,000 in value, is a Class 3 felony.

(4.1) Theft of property from the person not exceeding $500 in value, or theft of property exceeding $500 and not exceeding $10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(5) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(5.1) Theft of property exceeding $10,000 and not exceeding $100,000 in value is a Class 1 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6) Theft of property exceeding $100,000 and not exceeding $500,000 in value is a Class 1 felony.

(6.1) Theft of property exceeding $100,000 in value is a Class X felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6.2) Theft of property exceeding $500,000 and not exceeding $1,000,000 in value is a Class 1 non-probationable felony.

(6.3) Theft of property exceeding $1,000,000 in value is a Class X felony.

(7) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender obtained money or property valued at $5,000 or more from a victim 60 years of age or older is a Class 2 felony.

(8) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 3 felony if the rent payment or

security deposit obtained does not exceed $500.

(9) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 2 felony if the rent payment or security deposit obtained exceeds $500 and does not exceed $10,000.

(10) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 1 felony if the rent payment or security deposit obtained exceeds $10,000 and does not exceed $100,000.

(11) Theft by deception, as described by paragraph (2) of subsection (a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class X felony if the rent payment or security deposit obtained exceeds $100,000.

(c) When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09; 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11.)

(720 ILCS 5/16H-50)

Sec. 16H-50. Continuing financial crimes enterprise. A person commits the offense of a continuing financial crimes enterprise when the person knowingly, within an 18 month period, commits 3 or more separate offenses under this Article, or felony offenses in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value, or, if involving a financial institution, any other felony offenses established under this Code.

(Source: P.A. 93-440, eff. 8-5-03.)

(720 ILCS 5/16H-55)

Sec. 16H-55. Organizer of a continuing financial crimes enterprise.

(a) A person commits the offense of being an organizer of a continuing financial crimes enterprise when the person:

(1) with the intent to commit an offense under this Article, or a felony offense in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value, or, if involving a financial institution, any other felony offense established under this Code, agrees with another person to the commission of that offense on 3 or more separate occasions within an 18 month period, and

(2) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(b) The person with whom the accused agreed to commit the 3 or more offenses under this Article, or, if involving a financial institution, any other felony offenses established under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(Source: P.A. 93-440, eff. 8-5-03.)

(720 ILCS 5/16H-70 new)

Sec. 16H-70. Forfeiture. Any violation of this Article shall be subject to the remedies, procedures, and forfeiture as set forth in subsections (f) through (s) of Section 29B-1 of this Code.".

AMENDMENT NO. 2. Amend House Bill 6460, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, by replacing lines 9 through 16 with the following:

"period, commits 3 or more separate offenses constituting any combination of the following:

(1) an offense under this Article; ~~,~~

(2) a felony offense in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(3) ~~,~~ if involving a financial institution, any other felony offense ~~offenses~~ established under this Code.";

and

by replacing lines 22 through 24 on page 6 and lines 1 through 9 on page 7 with the following:

"continuing financial crimes enterprise when the person:

(1) with the intent to commit an offense ~~under this Article~~, agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18 month period:

(A) an offense under this Article;

(B) a felony offenses in violation of Section 16A-3 or paragraph (4) or (5) of subsection (a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(C) ~~,~~ if involving a financial institution, any other felony offense established under this Code~~, agrees with another person to the commission of that offense on 3 or more separate occasions within an 18 month period~~, and"; and

on page 7, line 22 by inserting after "of" the following:

"subdivision (2) of Section 16H-50 or subdivision (a)(1)(B) of Section 16H-55 of".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 6460 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 150

A bill for AN ACT concerning public health.

House Amendment No. 1 to SENATE BILL NO. 150.

House Amendment No. 2 to SENATE BILL NO. 150.

Action taken 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2969

A bill for AN ACT concerning transportation.

House Amendment No. 1 to SENATE BILL NO. 2969.

Action taken 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2814

A bill for AN ACT concerning professional regulation.

House Amendment No. 1 to SENATE BILL NO. 2814.

Action taken 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 3388

A bill for AN ACT concerning regulation.
House Amendment No. 1 to SENATE BILL NO. 3388.
House Amendment No. 2 to SENATE BILL NO. 3388.
House Amendment No. 3 to SENATE BILL NO. 3388.
Action taken 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 in the passage of a bill of the following title to-wit:

HOUSE BILL NO. 1410

A bill for AN ACT concerning State government.
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 in the passage of bills of the following titles to-wit:

HOUSE BILL NO. 1716

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1721

A bill for AN ACT concerning regulation.
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 in the passage of a bill of the following title to-wit:

HOUSE BILL NO. 1644

A bill for AN ACT concerning local government.
Passed by the Senate, January 6, 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 in the passage of a bill of the following title to-wit:

HOUSE BILL NO. 1422

A bill for AN ACT concerning State government.
Passed by the Senate, January 6, 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 in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 127

Concurred in the Senate, January 6, 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2525

A bill for AN ACT concerning public employee benefits.
House Amendment No. 1 to SENATE BILL NO. 2525.
Action taken by the Senate, January 6, 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 2530

A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 2530.
House Amendment No. 2 to SENATE BILL NO. 2530.
Action taken by the Senate, January 6, 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 3965

A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 3965.

House Amendment No. 2 to SENATE BILL NO. 3965.
Action taken by the Senate, January 6, 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 1606

A bill for AN ACT concerning local government.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1606
Passed the Senate, as amended, January 6, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 1606 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1063.5 as follows:
(55 ILCS 5/5-1063.5 new)
Sec. 5-1063.5. Permits for demolition and renovation; asbestos. Before a county may issue a demolition or renovation permit for property that is regulated under Part 61 of Title 40 of the Code of Federal Regulations (NESHAP), the county must notify the permit applicant of the requirement to file a NESHAP notification form with the Illinois Environmental Protection Agency, as required by Section 61.145(b) of Title 40 of the Code of Federal Regulations. A county may seek assistance from the Illinois Environmental Protection Agency or any other State agency in developing procedures to implement the provisions of this Section.

Section 10. The Illinois Municipal Code is amended by adding Section 11-39-2.5 as follows:
(65 ILCS 5/11-39-2.5 new)
Sec. 11-39-2.5. Permits for demolition and renovation; asbestos. Before a municipality may issue a demolition or renovation permit for property that is regulated under Part 61 of Title 40 of the Code of Federal Regulations (NESHAP), the municipality must notify the permit applicant of the requirement to file a NESHAP notification form with the Illinois Environmental Protection Agency, as required by Section 61.145(b) of Title 40 of the Code of Federal Regulations. A municipality may seek assistance from the Illinois Environmental Protection Agency or any other State agency in developing procedures to implement the provisions of this Section.

Section 90. The State Mandates Act is amended by adding Section 8.35 as follows:
(30 ILCS 805/8.35 new)
Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

Section 99. Effective date. This Act takes effect 90 days after becoming law.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1606 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 5289

A bill for AN ACT concerning finance.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5289

Passed the Senate, as amended, January 6, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5289 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 19-20 as follows:

(105 ILCS 5/19-20) (from Ch. 122, par. 19-20)

Sec. 19-20. Execution-Maturity-Callable.

The refunding bonds shall be of such form and denomination, payable at such place, bear such date, and be executed by such officials as may be provided by the corporate authorities of the school district in the bond resolution. They shall mature within not to exceed 20 years from their date, and may be made callable on any interest payment date at par and accrued interest after notice has been given at the time and in the manner provided in the bond resolution; however, the limitation shall be 25 years for bonds issued by Valley View Community Unit School District 365U that refund (i) bonds authorized under Section 19-3 of this Code or (ii) bonds refunding or continuing to refund bonds authorized under Section 19-3 of this Code. (Source: Laws 1961, p. 31.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5289 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 5018

A bill for AN ACT concerning insurance.

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. 5018

Passed the Senate, as amended, January 6, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 5018 by replacing everything after the enacting clause with the following:

"Section 5. The Health Maintenance Organization Act is amended by changing Section 6-8 as follows:

(215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

Sec. 6-8. Powers and duties of the Association. In addition to the powers and duties enumerated in other Sections of this Article, the Association shall have the powers set forth in this Section.

(1) If a domestic organization is an impaired organization, the Association may, subject to any conditions imposed by the Association other than those which impair the contractual obligations of the impaired organization, and approved by the impaired organization and the Director:

(a) guarantee, assume, or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the covered health care plan certificates of covered persons of the impaired organization;

(b) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (a), and assure payment of the contractual obligations of the impaired organization pending action under paragraph (a); and

(c) loan money to the impaired organization.

(2) If a domestic, foreign, or alien organization is an insolvent organization, the Association shall, subject to the approval of the Director:

(a) guarantee, assume, indemnify or reinsure or cause to be guaranteed, assumed, indemnified or reinsured the covered health care plan benefits of covered persons of the insolvent organization; however, in the event that the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid) assigns individuals that are recipients of public aid from an insolvent organization to another organization, the Director of Healthcare and Family Services shall, before fixing the rates to be paid by the Department of Healthcare and Family Services to the transferee organization on account of such individuals, consult with the Director of the Department of Insurance as to the reasonableness of such rates in light of the health care needs of such individuals and the costs of providing health care services to such individuals;

(b) assure payment of the contractual obligations of the insolvent organization to covered persons;

(c) make payments to providers of health care, or indemnity payments to covered persons, so as to assure the continued payment of benefits substantially similar to those provided for under covered health care plan certificate issued by the insolvent organization to covered persons; and

(d) provide such monies, pledges, notes, guaranties, or other means as are reasonably necessary to discharge such duties.

This subsection (2) shall not apply when the Director has determined that the foreign or alien organization's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this Article for residents of this State and such protection will be provided in a timely manner.

(3) There shall be no liability on the part of and no cause of action shall arise against the Association or against any transferee from the Association in connection with the transfer by reinsurance or otherwise of all or any part of an impaired or insolvent organization's business by reason of any action taken or any failure to take any action by the impaired or insolvent organization at any time.

(4) If the Association fails to act within a reasonable period of time as provided in subsection (2) of this Section with respect to an insolvent organization, the Director shall have the powers and duties of the Association under this Article with regard to such insolvent organization.

(5) The Association or its designated representatives may render assistance and advice to the Director, upon his request, concerning rehabilitation, payment of claims, continuations of coverage, or the performance of other contractual obligations of any impaired or insolvent organization.

(6) The Association has standing to appear before any court concerning all matters germane to the powers and duties of the Association, including, but not limited to, proposals for reinsuring or guaranteeing the covered health care plan certificates of the impaired or insolvent organization and the determination of the covered health care plan certificates and contractual obligations.

(7) (a) Any person receiving benefits under this Article is deemed to have assigned the rights under the covered health care plan certificates to the Association to the extent of the benefits received because of this Article whether the benefits are payments of contractual obligations or continuation of coverage. The Association may require an assignment to it of such rights by any payee, enrollee or beneficiary as a condition precedent to the receipt of any rights or benefits conferred by this Article upon such person. The Association is subrogated to these rights against the assets of any insolvent organization and against any other party who may be liable to such payee, enrollee or beneficiary.

(b) The subrogation rights of the Association under this subsection have the same priority against the assets of the insolvent organization as that possessed by the person entitled to receive benefits under this Article.

(8) (a) The contractual obligations of the insolvent organization for which the Association becomes or may become liable are as great as but no greater than the contractual obligations of the insolvent organization would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (3), but the aggregate liability of the Association shall not exceed $500,000 ~~$300,000~~ with respect to any one natural person.

(b) Furthermore, the Association shall not be required to pay, and shall have no liability to, any provider of health care services to an enrollee:

(i) if such provider, or his or its affiliates or members of his immediate family, at any time within the one year prior to the date of the issuance of the first order, by a court of competent jurisdiction, of conservation, rehabilitation or liquidation pertaining to the health maintenance organization:

(A) was a securityholder of such organization (but excluding any securityholder holding an equity interest of 5% or less);

(B) exercised control over the organization by means such as serving as an officer or director, through a management agreement or as a principal member of a not-for-profit organization;

(C) had a representative serving by virtue of ~~or~~ his or her official position as a representative of such provider on the board of any entity which exercised control over the organization;

(D) received provider payments made by such organization pursuant to a contract which was not a product of arms-length bargaining; or

(E) received distributions other than for physician services from a not-for-profit organization on account of such provider's status as a member of such organization.

For purposes of this subparagraph (i), the terms "affiliate," "person," "control" and "securityholder" shall have the meanings ascribed to such terms in Section 131.1 of the Illinois Insurance Code; or

(ii) if and to the extent such a provider has agreed by contract not to seek payment from the enrollee for services provided to such enrollee or if, and to the extent, as a matter of law such provider may not seek payment from the enrollee for services provided to such enrollee; or ~~.~~

(iii) related to any policy, contract, or certificate providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code (commonly known as Medicare Part C & D) or any regulations issued pursuant thereto; or

(iv) for any portion of a policy, contract, or certificate to the extent that the assessments required by this Article with respect to the policy or contract are preempted or otherwise not permitted by federal or State law; or

(v) for any obligation that does not arise under the express written terms of the policy or contract issued by the organization to the contract owner or policy owner, including without limitation:

(A) claims based on marketing materials;

(B) claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(C) misrepresentations of or regarding policy benefits;

(D) extra-contractual claims; or

(E) claims for penalties or consequential or incidental damages.

(c) In no event shall the Association be required to pay any provider participating in the insolvent organization any amount for in-plan services rendered by such provider prior to the insolvency of the organization in excess of (1) the amount provided by a capitation contract between a physician provider and the insolvent organization for such services; or (2) the amounts provided by contract between a hospital provider and the Department of Healthcare and Family Services (formerly Department of Public Aid) for similar services to recipients of public aid; or (3) in the event neither (1) nor (2) above is applicable, then the amounts paid under the Medicare area prevailing rate for the area where the services were provided, or if no such rate exists with respect to such services, then 80% of the usual and customary rates established by the Health Insurance Association of America. The payments required to be made by the Association under this Section shall constitute full and complete payment for such provider services to the enrollee.

(d) The Association shall not be required to pay more than an aggregate of $300,000 for any organization which is declared to be insolvent prior to July 1, 1987, and such funds shall be distributed first to enrollees who are not public aid recipients pursuant to a plan recommended by the Association and approved by the Director and the court having jurisdiction over the liquidation.

(9) The Association may:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this Article.

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under Section 6-9. The Association shall not be liable for punitive or exemplary damages.

(c) Borrow money to effect the purposes of this Article. Any notes or other evidence of indebtedness of the Association not in default are legal investments for domestic organizations and may be carried as admitted assets.

(d) Employ or retain such persons as are necessary to handle the financial transactions of the Association, and to perform such other functions as become necessary or proper under this Article.

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the Association.

(f) Take such legal action as may be necessary to avoid payment of improper claims.

(g) Exercise, for the purposes of this Article and to the extent approved by the Director, the powers of a domestic organization, but in no case may the Association issue evidence of coverage other than that issued to perform the contractual obligations of the impaired or insolvent organization.

(h) Exercise all the rights of the Director under Section 193(4) of the Illinois Insurance Code with respect to covered health care plan certificates after the association becomes obligated by statute.

(i) Request information from a person seeking coverage from the Association in order to aid the Association in determining its obligations under this Article with respect to the person and the person shall promptly comply with the request.

(j) Take other necessary or appropriate action to discharge its duties and obligations under this Article or to exercise its powers under this Article.

(10) The obligations of the Association under this Article shall not relieve any reinsurer, insurer or other person of its obligations to the insolvent organization (or its conservator, rehabilitator, liquidator or similar official) or its enrollees, including without limitation any reinsurer, insurer or other person liable to the insolvent insurer (or its conservator, rehabilitator, liquidator or similar official) or its enrollees under any contract of reinsurance, any contract providing stop loss coverage or similar coverage or any health care contract. With respect to covered health care plan certificates for which the Association becomes obligated after an entry of an order of liquidation or rehabilitation, the Association may elect to succeed to the rights of the insolvent organization arising after the date of the order of liquidation or rehabilitation under any contract of reinsurance, any contract providing stop loss coverage or similar coverages or any health care service contract to which the insolvent organization was a party, on the terms set forth under such contract, to the extent that such contract provides coverage for health care services provided after the date of the order of liquidation or rehabilitation. As a condition to making this election, the Association must pay premiums for coverage relating to periods after the date of the order of liquidation or rehabilitation.

(11) The Association shall be entitled to collect premiums due under or with respect to covered health care certificates for a period from the date on which the domestic, foreign, or alien organization became an insolvent organization until the Association no longer has obligations under subsection (2) of this Section with respect to such certificates. The Association's obligations under subsection (2) of this Section with respect to any covered health care plan certificates shall terminate in the event that all such premiums due under or with respect to such covered health care plan certificates are not paid to the Association (i) within 30 days of the Association's demand therefor, or (ii) in the event that such certificates provide for a longer grace period for payment of premiums after notice of non-payment or demand therefor, within the lesser of (A) the period provided for in such certificates or (B) 60 days.

(12) The Board of Directors of the Association shall have discretion and may exercise reasonable business judgment to determine the means by which the Association is to provide the benefits of this Article in an economical and efficient manner.

(13) Where the Association has arranged or offered to provide the benefits of this Article to a covered person under a plan or arrangement that fulfills the Association's obligations under this Article, the person shall not be entitled to benefits from the Association in addition to or other than those provided under the plan or arrangement.

(14) Venue in a suit against the Association arising under the Article shall be in Cook County. The Association shall not be required to give any appeal bond in an appeal that relates to a cause of action arising under this Article.

(Source: P.A. 95-331, eff. 8-21-07; 96-1450, eff. 8-20-10; revised 9-16-10.)

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

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 5018 was placed on the Calendar on the order of Concurrence.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Mell was removed as principal sponsor, and Representative Currie became the new principal sponsor of HOUSE BILL 5420.

With the consent of the affected members, Representative Jakobsson was removed as principal sponsor, and Representative Biggins became the new principal sponsor of HOUSE BILL 5727.

With the consent of the affected members, Representative Yarbrough was removed as principal sponsor, and Representative Currie became the new principal sponsor of SENATE BILL 2797.

With the consent of the affected members, Representative Currie was removed as principal sponsor, and Representative D'Amico became the new principal sponsor of SENATE BILL 2983.

With the consent of the affected members, Representative William Davis was removed as principal sponsor, and Representative Chapa LaVia became the new principal sponsor of HOUSE BILL 5289.

With the consent of the affected members, Representative Hannig was removed as principal sponsor, and Representative Mautino became the new principal sponsor of SENATE BILL 336.

With the consent of the affected members, Representative Careen Gordon was removed as principal sponsor, and Representative Verschoore became the new principal sponsor of HOUSE BILL 2376.

With the consent of the affected members, Representative McAsey was removed as principal sponsor, and Representative D'Amico became the new principal sponsor of HOUSE BILL 3677.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1576

Offered by Representative Sacia:

Congratulates the members of the Scales Mound High School Lady Hornets volleyball team on the occasion of the team's spectacular season.

HOUSE RESOLUTION 1577

Offered by Representative Sacia:

Congratulates the congregation of the Willow United Methodist Church on the occasion of the church's 150th anniversary.

HOUSE RESOLUTION 1578

Offered by Representative Reboletti:

Congratulates Ernest R. Slavik III on the occasion of earning the Silver Star for his actions during the Vietnam War.

HOUSE RESOLUTION 1579

Offered by Representative William Davis:

Mourns the death of Homer L. Ward, Sr. of Robbins.

HOUSE RESOLUTION 1580

Offered by Representative Gabel:

Congratulates Marlene Ann Gabel on the occasion of her 80th birthday.

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 Burns, SENATE BILL 3952 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:

109, Yeas; 3, Nays; 4, 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.

RECESS

At the hour of 11:46 o'clock a.m., Representative Mautino moved that the House do now take a recess until the hour of 1:00 o'clock p.m..

The motion prevailed.

At the hour of 1:43 o'clock p.m., the House resumed its session.

Representative Mautino in the Chair.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 1:38 o'clock p.m.

CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS

Senate Amendments numbered 1 and 3 to HOUSE BILL 3659, having been reproduced, were taken up for consideration.

Representative Verschoore moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 3.

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

88, Yeas; 29, Nays; 0, Answering Present.

(ROLL CALL 3)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 3 to HOUSE BILL 3659.

Ordered that the Clerk inform the Senate.

Senate Amendments numbered 1 and 2 to HOUSE BILL 5420, having been reproduced, were taken up for consideration.

Representative Currie moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

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

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

(ROLL CALL 4)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 5420.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 5727, having been reproduced, was taken up for consideration.

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

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

75, Yeas; 37, Nays; 4, Answering Present.

(ROLL CALL 5)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 5727.

Ordered that the Clerk inform the Senate.

RECALL

At the request of the principal sponsor, Representative Yarbrough, SENATE BILL 3539 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILLS ON SECOND READING

SENATE BILL 3539. Having been recalled on January 6, 2011, the same was again taken up.

Representative Yarbrough offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 3539 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.786 as follows:

(30 ILCS 105/5.786 new)

Sec. 5.786. The Death Penalty Abolition Fund.

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Section 119-1 as follows:

(725 ILCS 5/119-1 new)

Sec. 119-1. Death penalty abolished.

(a) Beginning on the effective date of this amendatory Act of the 96th General Assembly, notwithstanding any other law to the contrary, the death penalty is abolished and a sentence to death may not be imposed.

(b) All unobligated and unexpended moneys remaining in the Capital Litigation Trust Fund on the effective date of this amendatory Act of the 96th General Assembly shall be transferred into the Death Penalty Abolition Fund, a special fund in the State treasury, to be expended by the Illinois Criminal Justice Information Authority, for services for families of victims of homicide or murder and for training of law enforcement personnel.

(725 ILCS 124/Act rep.)

Section 15. The Capital Crimes Litigation Act is repealed.

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

Section 99. Effective date. This Act takes effect July 1, 2011, except that Section 15 takes effect January 1, 2012.".

The foregoing motion prevailed and the amendment was adopted.

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

SENATE BILL ON THIRD READING

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

On motion of Representative Yarbrough, SENATE BILL 3539 was taken up and read by title a third time.

And the question being, “Shall this bill pass?”.

Pending the vote on said bill, on motion of Representative Yarbrough, further consideration of SENATE BILL 3539 was postponed.

SENATE BILL ON SECOND READING

SENATE BILL 3322. Having been read by title a second time on November 17, 2011, and held on the order of Second Reading, the same was again taken up.

Representative Lang offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend Senate Bill 3322, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1-1. Short title. This Act may be cited as the Non-Recourse Civil Litigation Funding Act.

Section 1-5. Definitions. In this Act:

"Civil litigation funding company" means a person or entity that enters into a non-recourse civil litigation funding transaction with a consumer. "Civil litigation funding company" includes any affiliate or subsidiary of a civil litigation funding company; an entity or person who buys a whole or partial interest in a non-recourse civil litigation funding, acts as an agent to provide a non-recourse civil litigation funding from a third party for a fee, or acts as an agent for a third party in providing a non-recourse civil litigation funding for a fee, regardless of whether approval or acceptance by the third party is necessary to create a legal obligation for the third party; and any other person or entity if the Department determines that the person or entity is engaged in a transaction that is in substance a disguised non-recourse civil litigation funding or a subterfuge for the purpose of avoiding this Act. Notwithstanding anything to the contrary contained in this Act, a bank, lender, financing entity, or any other special purpose entity that provides financing to a civil litigation funding company or to which a civil litigation funding company grants a security interest or transfers any rights or interest in a non-recourse civil litigation funding shall not cause the bank, lender, financing entity, or special purpose entity to be deemed a civil litigation funding company. Notwithstanding anything to the contrary contained in this Act, an attorney or accountant who provides services to a consumer shall not be deemed a civil litigation funding company.

"Consumer" means a natural person residing or domiciled in Illinois or who elects to enter into a transaction under this Act in Illinois, whether it be in-person, over the internet, by facsimile, or any other electronic means, and who has a pending legal claim and is represented by an attorney at the time he or she enters into a contract for non-recourse civil litigation funding.

"Contract" means a written agreement between a consumer and a civil litigation funding company that the civil litigation funding company agrees to provide non-recourse civil litigation funding to the consumer in compliance with Article 2.

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

"Funding amount" means the dollar amount of funds provided to the consumer by the non-recourse civil litigation funding company subsequent to the execution of the contract as consideration for the assignment of or purchase of a contingent right to receive a portion of the proceeds of the legal claim.

"Funding date" means the date on which the funding amount is paid to the consumer by the civil litigation funding company.

"Legal claim" means a civil or statutory claim or action.

"Licensee" means any civil litigation funding company licensed in accordance with Article 3.

"Non-recourse civil litigation funding" means a transaction of any amount in which a civil litigation funding company purchases and a consumer assigns to the civil litigation funding company the contingent right to receive a portion of the potential proceeds of a settlement, judgment, award, or verdict obtained in

the consumer's legal claim.

"Proceeds" means those funds available for payment to the civil litigation funding company that are remaining from any settlement, verdict, final judgment, insurance payment, or award obtained in the consumer's legal claim after reductions are made under Section 2-15 of this Act.

"Resolution date" means the date the funding amount plus the agreed upon fees from the legal claim are received by the civil litigation funding company.

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

Article 2. Non-Recourse Civil Litigation Funding

Section 2-5. Contract provisions. All contracts for non-recourse civil litigation funding shall be in writing and comply with all of the following requirements:

(1) The contract shall contain on the front page, appropriately headed and in at least 12-point, bold face type, a chart that clearly contains the following disclosures:

(A) the total funding amount paid to the consumer;

(B) an itemization of one-time fees;

(C) the total dollar amount of the proceeds assigned by the consumer to the civil litigation funding company, set forth up to 1080 days beginning at the 11th business day after the funding date, then at 31 days after the funding date, 61 days after the funding date, 181 days after the funding date, 361 days after the funding date, and 721 days after the funding date; and

(D) a calculation of the annual percentage fee for each 180-day interval.

The Secretary shall prescribe by rule the format of the chart that clearly discloses to the consumer all the information in this subsection. Until the Secretary makes such a rule, each civil litigation funding company must have a chart format approved for distribution by the Secretary.

No contract for non-recourse civil litigation funding shall be enforceable against the consumer unless it complies entirely with this subsection.

(2) The contract shall provide that the consumer may cancel the contract within 10 business days following the consumer's receipt of the funding amount, without penalty or further obligation. The contract shall contain the following notice written in at least 12-point, bold face type:

"Consumer's right to cancellation: You may cancel this contract without penalty or further obligation within 10 business days after the funding date.".

The contract must also specify that in order for the cancellation to be effective, the consumer must either return to the civil litigation funding company the total amount of the funding amount by (a) delivering the civil litigation funding company's uncashed check to the civil litigation company's offices in person within 10 business days after receipt of the funding amount, (b) sending a notice of cancellation via registered or certified mail and include in the mailing a return of the total amount of funding amount in the form of the civil litigation funding company's uncashed check within 10 business days after receipt of the funding amount, or (c) sending a registered, certified or cashier's check or money order, by insured, registered, or certified United States mail, postmarked within 10 business days after receipt of the funding amount, to the address specified in the contract for cancellation.

(3) The contract shall contain all of the following statements in at least 12-point, bold face type:

"(A) [Insert name of the civil litigation funding company] agrees that it shall have no right to and will not make any decisions with respect to the conduct of the legal claim or any settlement or resolution thereof and that the right to make those decisions remains solely with you and your attorney in the legal claim. [Insert name of the civil litigation funding company] further agrees that it shall have no right to pursue the legal claim on your behalf.

(B) [Insert name of the civil litigation funding company] agrees that it shall only accept: (i) an assignment of a contingent right to receive a portion of the potential proceeds; (ii) the contracted return of the funding amount; and (iii) any agreed upon fees. Any agreed upon fees to [insert name of the civil litigation funding company] shall not be determined as a percentage of your recovery from the legal claim but shall be set as a contractually determined amount based upon intervals of time from the funding date through the resolution date. [Insert name of the civil litigation funding company] is not accepting an assignment of your legal claim.

(C) [Insert name of the civil litigation funding company] agrees that you may make payments on a funding at any time without additional cost or penalty.".

(4) All contracts with the consumer must contain the following statement, in plain language in a box with 15-point, bold face type, in all capitalized letters, stating the following:

"THE FUNDING AMOUNT AND AGREED UPON FEES SHALL ONLY BE PAID FROM THE

PROCEEDS OF YOUR LEGAL CLAIM AND SHALL ONLY BE PAID TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. YOU WILL NOT OWE [INSERT NAME OF THE CIVIL LITIGATION FUNDING COMPANY] ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM.".

(5) The contract shall contain the following statement in at least 12-point, bold face type located immediately above the space where the consumer's signature is required:

"Do not sign this Agreement before you read it completely or if it contains any blank spaces. You are entitled to a completely filled-in copy of this Agreement. Before you sign this Agreement you should obtain the advice of an attorney. Depending on the circumstances, you may want to consult a tax, public, or private benefit planning or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public, or private benefit planning regarding this transaction. You further understand and agree that the funds you receive from [insert name of the civil litigation funding company] shall not be used to pay for or applied to the payment of attorney's fees or litigation costs related to your legal claim.".

(6) The executed contract shall contain a written acknowledgment by the consumer that he or she has reviewed the contract in its entirety.

(7) The non-recourse civil litigation funding company shall provide the consumer's attorney with a written notification of the non-recourse civil litigation funding provided to the consumer 3 business days before the funding date by way of postal mail, courier service, facsimile, e-mail return receipt acknowledged, or other means of proof of delivery method unless there is a written acknowledgment by the attorney representing the consumer in the legal claim as to the terms of the contract. Notwithstanding notice of the non-recourse civil litigation funding, the consumer's attorney is not responsible for paying or ensuring payment of the consumer's obligation.

(8) The contracted return of the funding amount, plus any agreed upon fees assigned to the civil litigation funding company on the resolution date shall not be determined as a percentage of the recovery from the legal claim but shall be set as a contractually determined amount based upon intervals of time from the funding date through the resolution date.

Section 2-10. Contracted fee amount.

The total dollar amount assigned by the consumer to the civil litigation funding company shall be limited to the funding amount, plus the following:

(1) if resolution date occurs any time from the funding date to 10 business days after the funding date, the civil litigation funding company may not collect a fee;

(2) if resolution date occurs any time from the 11th business day after the funding date to 30 days after the funding date, the civil litigation funding company may collect a fee not exceeding 0.05 times the funding amount;

(3) if resolution date occurs any time from 31 days after the funding date to 60 days after the funding date, the civil litigation funding company may collect a fee not exceeding 0.10 times the funding amount;

(4) if resolution date occurs any time from 61 days after the funding date to 180 days after the funding date, the civil litigation funding company may collect a fee not exceeding 0.34 times the funding amount;

(5) if resolution date occurs any time from 181 days after the funding date to 360 days after the funding date, the civil litigation funding company may collect a fee not exceeding 0.75 times the funding amount;

(6) if resolution date occurs any time from 361 days after the funding date to 720 days after the funding date, the civil litigation funding company may collect a fee not exceeding 1.50 times the funding amount; or

(7) if resolution date occurs any time from 721 days after the funding date to 1080 days after the funding date, the civil litigation funding company may collect a fee not exceeding 1.80 times the funding amount.

(8) No additional fees shall be applied for any period of time beyond 1080 days after the funding date.

Except for the fees set forth in this Section and Section 2-12, the civil litigation funding company may not impose on a consumer any additional finance charges, interest, fees, or charges of any sort for any purpose.

Section 2-12. Charges permitted.

(a) A licensee may charge an acquisition charge not to exceed 8% of the amount funded or $100, whichever is less.

(b) A licensee may charge an expedited funds delivery option charge not to exceed the actual cost of delivery or $20, whichever is less. Expedited funds delivery options, including, but not limited to, overnight delivery, electronic fund transfers, and Automated Clearing House (ACH) transactions may be offered to the consumer as a choice of the method of the delivery of funds. The fund delivery charge is fully earned at the time that each funding transaction is made and shall not be subject to refund. Details and receipts of delivery shall be provided in an invoice to the consumer no more than 10 business days after the funding date. A no-charge delivery option must be offered to the consumer as a choice.

Section 2-15. Priorities. Subrogation claims and litigation costs, health care providers, employers in worker's compensation proceedings, health insurers, employers with self-funded health care plans, Medicare, and Public Aid shall be satisfied before and take priority over any claim of the civil litigation funding company. All other holders of liens, security interests, or subrogation claims shall take priority over the civil litigation funding company to the extent allowed by law.

Section 2-20. Standards and practices. Each civil litigation funding company shall adhere to the following:

(1) The civil litigation funding company shall not pay or offer to pay any compensation to any attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees for referring a consumer to the civil litigation funding company. The civil litigation funding company agrees not to accept any compensation from any attorney, law firm, medical provider, chiropractor, physical therapist, or any of their employees, other than the funding amount and any agreed upon fees the consumer assigned to the civil litigation funding company out of the potential proceeds of the legal claim. Neither the funding company nor any of its affiliates may provide any funding to a lawyer or law firm who represents a consumer with an outstanding loan to any of the lawyer's or law firm's clients.

(2) The civil litigation funding company shall not advertise false or intentionally misleading information regarding its product or services.

(3) The civil litigation funding company shall not knowingly provide funding to a consumer who has previously sold and assigned an amount of the potential proceeds of his or her legal claim to another civil litigation funding company without first purchasing that civil litigation funding company's entire accrued balance unless otherwise agreed to in writing by the consumer and all civil litigation funding companies that provided non-recourse civil litigation funding to the consumer.

(4) The civil litigation funding company shall not offer single premium credit life, disability, or unemployment insurance that will be financed through a non-recourse civil litigation funding transaction.

(5) For non-English speaking consumers, the principal terms of the contract must be translated in writing into the consumer's primary language. The consumer must sign the translated document containing the principal terms and initial each page and the translator must sign an affirmation confirming that the principal terms have been presented to the consumer in the consumer's primary language and acknowledged by the consumer. Principal terms shall include all items that must be disclosed by Section 2-5.

(6) The civil litigation funding company shall not knowingly enter into a non-recourse civil litigation funding contract with a consumer where the consumer's legal claim is a pending class action lawsuit at the time of the funding. The civil litigation funding company may not discuss a consumer's choice to join a class action lawsuit other than to confirm that a consumer has or has not chosen to join a class action lawsuit. Should any legal claim in which a plaintiff has received non-recourse civil litigation funding become a class action matter, no further funding shall be permitted.

(7) An attorney or law firm shall not have a financial interest in the civil litigation funding company providing non-recourse civil litigation funding to a consumer represented by that attorney or law firm.

(8) No communication between a consumer's attorney and a civil litigation funding company pertaining to a consumer's non-recourse civil litigation funding transaction shall limit, waive, or abrogate any statutory or common-law privilege, including the attorney-client privilege or the work-product doctrine.

(9) The return of the funding amount to the civil litigation funding company, plus any agreed upon fees, shall be rendered only out of the proceeds, if any, of the realized settlement, judgment, award, or verdict the consumer may receive from the legal claim. Under no circumstances shall the civil litigation funding company have recourse for the funding amount beyond the consumer's proceeds from

the legal claim.

(10) The civil litigation funding company shall have no authority to make any decisions with respect to the conduct of the litigation of the legal claim or any settlement or resolution thereof. The right to make those decisions remains solely with the consumer and the consumer's attorney representing the consumer in the legal claim. The civil litigation funding company shall have no right to pursue the legal claim on the consumer's behalf.

(11) The civil litigation funding company shall only accept an assignment of a contingent right to receive a portion of the potential proceeds, rather than an assignment of the legal claim. The contracted return of the funding amount, plus any agreed upon fees assigned to the civil litigation funding company, shall not be determined as a percentage of the total recovery from the legal claim, but shall be set as a contractually determined amount based upon intervals of time from the funding date through the resolution date.

(12) Notwithstanding subsection (9) of this Section, the civil litigation funding company shall allow the consumer to make payments on a funding at any time without additional cost or penalty.

(13) Contact between the civil litigation funding company and the consumer shall be subject to the following limitations:

(A) Neither a civil litigation funding company, nor any person acting on behalf of a civil litigation funding company, shall contact a consumer prior to the consumer obtaining legal representation and initiating a legal claim.

(B) Neither a civil litigation funding company, nor any person acting on behalf of a civil litigation funding company, shall contact the consumer after the funding date in order to influence any decisions with respect to the conduct of the legal claim or any settlement or resolution thereof. Notwithstanding the foregoing, the civil litigation funding company may contact the consumer or the consumer's attorney to obtain the status of the legal claim and may contact the consumer after the funding date to obtain updated attorney contact information.

(C) After the resolution date, neither a civil litigation funding company, nor any person acting on behalf of a civil litigation funding company, shall seek to collect additional funds or threaten civil action for any deficiency.

Section 2-25. Information; reporting and examination.

(a) A licensee shall keep and use books, accounts, and records that will enable the Secretary to determine if the licensee is complying with the provisions of this Act and maintain any other records as required by the Secretary.

(b) A licensee shall collect and maintain information annually for a report that shall disclose in detail and under appropriate headings:

(1) the total number of non-recourse civil litigation fundings made during the previous calendar year;

(2) the total number of non-recourse civil litigation fundings outstanding as of December 31st of the preceding calendar year;

(3) the minimum, maximum, and average amount of non-recourse civil litigation fundings made during the preceding calendar year;

(4) the average annual fee rate of the non-recourse civil litigation fundings made during the preceding year; and

(5) the total number of non-recourse civil litigation funding transactions in which the civil litigation funding company received the return of the funding amount, plus any agreed upon fees; the total number of non-recourse civil litigation funding transactions for which the civil litigation funding company received no return of the funding amount or any fees; and the total number of non-recourse civil litigation funding transactions in which the civil litigation funding company received an amount less than the contracted amount.

The report shall be verified by the oath or affirmation of the Chief Executive Officer, Chief Financial Officer, or other duly authorized representative of the licensee. The report must be filed with the Secretary no later than March 1 of the year following the year for which the report discloses the information specified in this subsection (b). The Secretary may impose a fine of $50 per day upon the licensee for each day beyond the filing deadline that the report is not filed.

(c) The Department shall have the authority to conduct examinations at any time of the books, records, and non-recourse civil litigation funding documents of a licensee or other company or person doing business without the required license. Any licensee being examined must provide to the Department convenient and free access at all reasonable hours at its office or location to all books,

records, non-recourse civil litigation funding documents. The officers, directors, and agents of the litigation funding company must facilitate the examination and aid in the examination so far as it is in their power to do so.

Section 2-30. Applicability.

(a) The contingent right to receive a portion of the potential proceeds of a legal claim is assignable and valid for the purposes of obtaining funding from a licensee under this Section.

(b) Nothing in this Act shall cause any non-recourse civil litigation funding transaction conforming to this Act to be deemed to be a "loan or investment contract" or subject to the restrictions or provisions governing loans or investment contracts set forth in the Interest Act, the Consumer Installment Loan Act, or other provisions of Illinois law.

Article 3. Licensure.

Section 3-1. Licensure requirement.

(a) Except as provided in subsection (b), on and after the effective date of this Act, a civil litigation funding company as defined by Section 1-5 must be licensed by the Department as provided in this Article.

(b) A civil litigation funding company licensed on the effective date of this Act under the Consumer Installment Loan Act need not comply with subsection (a) until the Department takes action on the civil litigation funding company's application for a non-recourse civil litigation funding license. The application must be submitted to the Department within 3 months after the effective date of this Act. If the application is not submitted within 3 months after the effective date of this Act, the civil litigation funding company is subject to subsection (a).

Section 3-5. Licensure.

(a) An application for a license shall be in writing and in a form prescribed by the Secretary. Applicants must also submit a non-refundable application fee of $1,500, due at the time of the application. The Secretary may not issue a non-recourse civil litigation funding license unless and until the following findings are made:

(1) that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purpose of this Act; and

(2) that the applicant has submitted such other information as the Secretary may deem necessary.

(b) A license shall be issued for no longer than one year and no renewal of a license may be provided if a licensee has substantially violated this Act and has not cured the violation to the satisfaction of the Department.

(c) A licensee shall appoint, in writing, the Secretary as attorney-in-fact upon whom all lawful process against the licensee may be served with the same legal force and validity as if served on the licensee. A copy of the written appointment, duly certified, shall be filed in the office of the Secretary, and a copy thereof certified by the Secretary shall be sufficient evidence to subject a licensee to jurisdiction in a court of law. This appointment shall remain in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Secretary as attorney-in-fact for a licensee, the Secretary shall immediately notify the licensee by registered mail, enclosing the summons and specifying the day of service.

(d) A licensee must pay an annual fee of $1,000. In addition to the annual license fee, the reasonable expense of any examination or hearing by the Secretary under any provisions of this Act shall be borne by the licensee. If a licensee fails to submit an application for renewal by December 31st of the then current year, its license shall automatically expire; however, the Secretary, in his or her discretion, may reinstate an expired license upon:

(1) payment of the annual fee within 30 days of the date of expiration; and

(2) proof of good cause for failure to renew.

(e) No licensee shall conduct the business of providing non-recourse civil litigation funding under this Act within any office, suite, room, or place of business in which any consumer lending business to consumers residing and domiciled in Illinois and is solicited or engaged in within the State of Illinois unless the other business is licensed by the Department or, in the opinion of the Secretary, operating the other business would not be contrary to the best interests of consumers and is authorized by the Secretary in writing.

(f) The Secretary shall maintain a list of licensees that shall be available to interested consumers and lenders and the public. The Secretary shall maintain a toll-free number whereby consumers may obtain information about licensees. The Secretary shall also establish a complaint process under which an

aggrieved consumer may file a complaint against a licensee or non-licensee who violates any provision of this Act.

Section 3-10. Closing of business; surrender of license. At least 10 days before a licensee ceases operations, closes the business, or files for bankruptcy, the licensee shall:

(1) Notify the Department of its intended action in writing.

(2) With the exception of filing for bankruptcy, surrender its license to the Secretary for cancellation. The surrender of the license shall not affect the licensee's civil or criminal liability for acts committed before or after the surrender or entitle the licensee to a return of any part of the annual license fee.

(3) Notify the Department of the location where the books, accounts, contracts, and records will be maintained.

The accounts, books, records, and contracts shall be maintained and serviced by the licensee, by another licensee under this Act, or by the Department.

Article 4. Administrative Provisions

Section 4-5. Prohibited acts. A licensee or unlicensed person or entity entering into non-recourse civil litigation funding may not commit, or have committed, on behalf of the licensee or unlicensed person or entity, any of the following acts:

(1) Threatening to use or using the criminal process in this or any other state to collect the assignment.

(2) Using any device or agreement that would have the effect of charging or collecting more fees or charges than allowed in this Act, including, but not limited to, entering into a different type of transaction with the consumer.

(3) Engaging in unfair, deceptive, or fraudulent practices related to the non-recourse civil litigation funding.

(4) Threatening to take any action against a consumer that is prohibited by this Act or making any misleading or deceptive statements regarding the non-recourse civil litigation funding.

(5) Making a misrepresentation of a material fact by an applicant for licensure in obtaining or attempting to obtain a license.

(6) Including any of the following provisions in non-recourse civil litigation funding contracts:

(A) a confession of judgment clause;

(B) a mandatory arbitration clause that is oppressive, unfair, unconscionable, or substantially in derogation of the rights of consumers; or

(C) a provision that the consumer agrees not to assert any claim or defense arising out of the contract.

(7) Taking any power of attorney.

Section 4-10. Enforcement and remedies.

(a) The remedies provided in this Act are cumulative and apply to persons or entities subject to this Act.

(b) Any material violation of this Act, including the commission of an act prohibited under Section 4-5, constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act.

(c) If any provision of the written agreement described in Section 2-5 violates this Act, then that provision is unenforceable against the consumer.

(d) Subject to the Illinois Administrative Procedures Act, the Secretary may hold hearings, make findings of fact, conclusions of law, issue cease and desist orders, have the power to issue fines of up to $10,000 per violation, refer the matter to the appropriate law enforcement agency for prosecution under this Act, and suspend or revoke a license granted under this Act. All proceedings shall be open to the public.

(e) The Secretary may issue a cease and desist order to any licensee or other person doing business without the required license, when in the opinion of the Secretary the licensee or other person is violating or is about to violate any provisions of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act. In addition to any other action authorized by this Act, if the Secretary determines that a civil litigation funding company is engaged in or is believed to be engaged in activities that may constitute a violation of this Act and the Secretary is able to show that an emergency exists, the Secretary may suspend the civil litigation funding company's license for a period not exceeding 180 calendar days. The cease and desist order and emergency suspension permitted by this subsection (e) may be issued prior to a hearing.

The Secretary shall serve notice of his or her action, including, but not limited to, a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

Within 10 business days after service of the cease and desist order, the licensee or other person may request a hearing in writing. The Secretary shall schedule a hearing within 30 days after the request for a

hearing unless otherwise agreed to by the parties. The Secretary shall have the authority to adopt rules for the administration of this Section.

If it is determined that the Secretary had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy the conduct.

The powers vested in the Secretary by the subsection (e) are additional to any and all other powers and remedies vested in the Secretary by law, and nothing in this subsection (e) shall be construed as requiring that the Secretary shall employ the power conferred in this subsection instead of or as a condition precedent to the exercise of any other power or remedy vested in the Secretary.

(f) The Secretary may, after 10 business days notice by registered mail to the licensee at the address set forth in the license stating the contemplated action an in general the grounds therefore, fine the licensee an amount not exceeding $10,000 per violation, or revoke or suspend any license issued by the Department if found that:

(1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Secretary lawfully made under the authority of this Act; or

(2) any fact or condition exists that, if it had existed at the time of the original application for the license, clearly would have warranted the Secretary in refusing to issue the license.

No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the civil litigation company and a consumer.

The Secretary may issue a new license to a licensee whose license has been revoked when facts or conditions that clearly would have warranted the Secretary in refusing originally to issue the license no longer exist.

In every case in which a license or renewal of a license is denied, the Secretary shall serve the licensee with notice of his or her action, including a statement of the reasons for his or her actions, either personally, or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

An order assessing a fine, an order revoking or suspending a license, or an order denying or refusing to renew a license shall take effect upon service of the order unless the licensee requests a hearing, in writing, within 10 days after the date of service. In the event a hearing is requested, the order shall be stayed until final administrative order is entered.

If the licensee requests a hearing, the Secretary shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

The hearing shall be held at a time and place designated by the Secretary. The Secretary, and any administrative law judge designated by him or her, shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

The costs of administrative hearings conducted under this Section shall be paid by the licensee.

(g) All moneys received by the Department under this Act shall be deposited in the Financial Institutions Fund.

Section 4-15. Bonding.

(a) A person or entity engaged in non-recourse civil litigation funding under this Act shall post a bond to the Department in the amount of $50,000 per license or irrevocable letter of credit issued and confirmed by a financial institution authorized by law to transact business in the State of Illinois.

(b) A bond posted under subsection (a) must continue in effect for the period of licensure and for 3 additional years if the bond is still available. The bond must be available to pay damages and penalties to be a consumer harmed by a violation of this Act.

(c) From time to time the Secretary may require a licensee to file a bond in an additional sum if the Secretary determines it to be necessary. In no case shall the bond be more than the outstanding liabilities of the licensee.

Section 4-20. Reporting of violations. The Department shall report to the Attorney General all material violations of this Act of which it becomes aware.

Section 4-25. Rulemaking.

(a) The Department may make and enforce such reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Act require, and as are not inconsistent therewith. All rules, regulations, and directions of a general character shall be made

available to all licensees in an electronic format.

(b) The Department may adopt rules in connection with the activities of licensees that are necessary and appropriate for the protection of the consumers in this State. These rules shall be consistent with this Act.

Section 4-28. Confidentiality. All information collected by the Department under an examination or investigation of a civil litigation funding company, including, but not limited to, information collected to investigate any complaint against a civil litigation funding company filed with the Department, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose such information to anyone other than the licensee, law enforcement officials, or other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. An order issued by the Department against a civil litigation funding company shall be a public record and any documents produced in discovery, filed with the administrative law judge, or introduced at hearing shall be a public record, except as otherwise prohibited by law.

Section 4-30. Judicial review. All final administrative decisions of the Department under this Act are subject to judicial review under the provisions of the Administrative Review Law and any rules adopted pursuant thereto.

Section 4-35. Waivers. There shall be no waiver of any provision of this Act.

Section 4-40. Superiority of Act. To the extent this Act conflicts with any other State laws, this Act is superior and supersedes those laws for the purposes of regulating non-recourse civil litigation funding in Illinois.

Section 4-45. Severability. The provisions of this Act are severable under Section 1.31 of the Statute of Statutes.

Section 4-48. Consumer protection study. The Department shall conduct a study to be reported to the Governor and the leaders of the General Assembly no later than February 1, 2015, addressing the adequacy of the consumer protections contained in this Act. The study shall include, but not be limited to: (1) an analysis of the average percentage of a consumer's settlement that is used to return the funding amount in each transaction; (2) a survey of consumer complaints filed against civil litigation funding companies; (3) a description of the benefits and shortcomings of non-recourse civil litigation funding to consumers; and (4) any reforms that the Secretary recommends to better regulate civil litigation funding companies.

Article 90. Amendatory Provisions

Section 90-1. The Regulatory Sunset Act is amended by changing Section 4.25 as follows:

(5 ILCS 80/4.25)

Sec. 4.25. Acts ~~Act~~ repealed on January 1, 2015 and May 31, 2015.

(a) The following Act is repealed on January 1, 2015:

The Genetic Counselor Licensing Act.

(b) The following Act is repealed on May 31, 2015:

The Non-Recourse Civil Litigation Funding Act.

(Source: P.A. 93-1041, eff. 9-29-04.)

Section 90-5. The Consumer Installment Loan Act is amended by changing Section 21 as follows:

(205 ILCS 670/21) (from Ch. 17, par. 5427)

Sec. 21. Application of Act. This Act does not apply to any person, partnership, association, limited liability company, or corporation doing business under and as permitted by any law of this State or of the United States relating to banks, savings and loan associations, savings banks, credit unions, or licensees under the Residential Mortgage License Act for residential mortgage loans made pursuant to that Act. This Act does not apply to business loans. This Act does not apply to payday loans. This Act does not apply to non-recourse civil litigation funding.

(Source: P.A. 94-13, eff. 12-6-05.)

Section 90-10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or

Burial Funds Act, the Cemetery Oversight Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, the Internet Caller Identification Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 11-1431, 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, the Non-Recourse Civil Litigation Funding Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 95-413, eff. 1-1-08; 95-562, eff. 7-1-08; 95-876, eff. 8-21-08; 96-863, eff. 1-19-10; 96-1369, eff. 1-1-11; 96-1376, eff. 7-29-10; revised 9-2-10.)

Section 99. Effective date. This Act takes effect 180 days after becoming law.".

And on that motion, a vote was taken resulting as follows:
28, Yeas; 87, Nays; 1, Answering Present.
(ROLL CALL 6)
The motion was lost.

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

SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Monique Davis moved to suspend the posting requirements of Rule 21 in relation to House Bill 6913.

The motion prevailed.

RECALL

At the request of the principal sponsor, Representative Lang, SENATE BILL 1381 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 1381. Having been recalled on January 6, 2011, the same was again taken up.

Representative Lang moved to table Amendment No. 1.
And on that motion, a vote was taken resulting as follows:
65, Yeas; 51, Nays; 0, Answering Present.
(ROLL CALL 7)
The motion prevailed and the amendment was tabled.

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

SENATE BILL ON THIRD READING

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

On motion of Representative Lang, SENATE BILL 1381 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the negative by the following vote:
56, Yeas; 60, Nays; 1, Answering Present.
(ROLL CALL 8)

This bill, having failed to receive the votes of a constitutional majority of the Members elected, was declared lost.

SENATE BILL ON SECOND READING

SENATE BILL 3712. Having been recalled on November 17, 2010, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

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

On motion of Representative Gabel, SENATE BILL 3712 was taken up and read by title a third time.

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

46, Yeas; 71, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, as amended, having failed to receive the votes of a constitutional majority of the Members elected, was declared lost.

HOUSE BILL ON SECOND READING

Having been read by title a second time on December 1, 2010 and held, the following bill was taken up and advanced to the order of Third Reading: HOUSE BILL 1760.

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 Flowers, HOUSE BILL 1760 was taken up and read by title a third time.

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

Pending the vote on said bill, on motion of Representative Flowers, further consideration of HOUSE BILL 1760 was postponed.

SENATE BILL ON THIRD READING CONSIDERATION POSTPONED

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

SENATE BILL 3539. Having been read by title a third time on January 6, 2011, and further consideration postponed, the same was again taken up.

Representative Yarbrough moved the passage of SENATE BILL 3539.

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

60, Yeas; 54, Nays; 0, Answering Present.

(ROLL CALL 10)

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

Ordered that the Clerk inform the Senate.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Harris moved to reconsider the vote by which SENATE BILL 3539 passed.

Representative Walker moved to table the motion to reconsider the vote.

The motion prevailed.

HOUSE BILLS ON THIRD READING CONSIDERATION POSTPONED

The following bills and any amendments adopted thereto were reproduced. These bills have 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).

HOUSE BILL 1760. Having been read by title a third time on December 1, 2010, and further consideration postponed, the same was again taken up.

Representative Flowers moved the passage of HOUSE BILL 1760.

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

62, Yeas; 54, Nays; 0, Answering Present.

(ROLL CALL 11)

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

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

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1576, 1577, 1578, 1579 and 1580 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 6:30 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, January 7, 2011, at 9:00 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 06, 2011

0 YEAS 0 NAYS 117 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	P Smith
P Brauer	P Franks	P McGuire	P Sommer
P Burke	P Froehlich	P Mell	P Soto
P Burns	P Gabel	P Mendoza	P Stephens
P Carberry	P Golar	P Miller (ADDED)	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 3952
MUNI CD-BUSINESS DISTRICTS
THIRD READING
PASSED

January 06, 2011

109 YEAS 3 NAYS 4 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	P 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	Y Smith
Y Brauer	N Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	Y 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
N 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
N Coulson	Y Hernandez	Y Osmond	Y Watson
Y Crespo	Y Hoffman	P Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
P 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. 3

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3659
PROP TAX-PUBLICATION FEES
MOTION TO CONCUR IN SENATE AMENDMENTS NO. 1 & 3
CONCURRED

January 06, 2011

88 YEAS 29 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	N 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	N Farnham	Y Mautino	N Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
N Boland	Y Flider	N Mayfield	N Schmitz
Y Bost	Y Flowers	N McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	N Sente
N Brady	Y Fortner	Y McCarthy	Y Smith
Y Brauer	N Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y Miller	Y Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	Y Thapedi
Y Chapa LaVia	N Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	Y Nekritz	Y Wait
Y Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	Y Watson
N Crespo	Y Hoffman	Y Osterman	N Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
N Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	N 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
HOUSE BILL 5420
DCEO-MICROLOAN PROGRAM
MOTION TO CONCUR IN SENATE AMENDMENTS NO. 1 & 2
CONCURRED

January 06, 2011

111 YEAS 4 NAYS 2 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	N Mayfield	Y Schmitz
Y Bost	N Flowers	Y McAsey	Y Senger
Y Bradley	N Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	Y Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	P Golar	Y Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	P 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	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. 5

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5727
MUNI CD-ELECTIONS
MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
CONCURRED

January 06, 2011

75 YEAS	37 NAYS	4 PRESENT	
Y Acevedo	Y Davis, William	N Kosel	Y Reboletti
Y Arroyo	N DeLuca	Y Lang	N Reis
N Bassi	N Dugan	N Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	P Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	N Eddy	N Mathias	N Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
Y Biggins	Y Feigenholtz	P May	Y Saviano
Y Boland	N Flider	Y Mayfield	N Schmitz
N Bost	Y Flowers	Y McAsey	N Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
N Brady	P Fortner	N McCarthy	Y Smith
N Brauer	N Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y 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	NV Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	Y Nekritz	N Wait
Y Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
N Coulson	Y Hernandez	N Osmond	N Watson
Y Crespo	Y Hoffman	Y Osterman	N Winters
N Cross	Y Holbrook	Y Phelps	Y Yarbrough
N Cultra	Y Howard	N Pihos	Y Zalewski
Y Currie	Y Jackson	N 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
SENATE BILL 3322
NON-RECOURSE CIV LIT FUND ACT
FLOOR AMENDMENT NO. 2 - LANG
LOST

January 06, 2011

28 YEAS 87 NAYS 1 PRESENT

N Acevedo	N Davis, William	N Kosel	N Reboletti
N Arroyo	N DeLuca	Y Lang	N Reis
N Bassi	N Dugan	N Leitch	N Reitz
N Beaubien	N Dunkin	Y Lilly	N Riley
N Beiser	NV Durkin	N Lyons	N Rita
N Bellock	N Eddy	N Mathias	N Rose
Y Berrios	N Farnham	Y Mautino	N Sacia
N Biggins	Y Feigenholtz	Y May	N Saviano
Y Boland	N Flider	N Mayfield	N Schmitz
N Bost	N Flowers	N McAsey	N Senger
N Bradley	N Ford	N McAuliffe	N Sente
N Brady	N Fortner	Y McCarthy	N Smith
N Brauer	N Franks	Y McGuire	N Sommer
N Burke	Y Froehlich	Y Mell	N Soto
Y Burns	Y Gabel	P Mendoza	N Stephens
N Carberry	Y Golar	N Miller	N Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	N Thapedi
N Chapa LaVia	N Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	N Turner
N Collins	N Harris	E Mulligan	N Verschoore
N Colvin	N Hatcher	Y Nekritz	N Wait
N Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
N Coulson	Y Hernandez	N Osmond	N Watson
N Crespo	N Hoffman	Y Osterman	Y Winters
N Cross	N Holbrook	N Phelps	N Yarbrough
N Cultra	N Howard	N Pihos	Y Zalewski
Y Currie	N Jackson	N Poe	Y Mr. Speaker
N D'Amico	Y Jakobsson	N Pritchard	
N Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1381
MEDICAL CANNABIS
MOTION TO TABLE AMENDMENT NO. 1 - LANG
ADOPTED

January 06, 2011

65 YEAS 51 NAYS 0 PRESENT

Y Acevedo	Y Davis, William	N Kosel	N Reboletti
Y Arroyo	Y DeLuca	Y Lang	N Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
N Beaubien	Y Dunkin	Y Lilly	Y Riley
N Beiser	Y Durkin	Y Lyons	Y Rita
N Bellock	Y Eddy	N Mathias	N Rose
Y Berrios	N Farnham	N Mautino	N Sacia
N Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	N Schmitz
N Bost	Y Flowers	N McAsey	N Senger
N Bradley	Y Ford	N McAuliffe	N Sente
N Brady	N Fortner	Y McCarthy	Y Smith
N Brauer	N Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y Miller	N Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	Y Thapedi
Y Chapa LaVia	N Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
NV Colvin	N Hatcher	Y Nekritz	Y Wait
N Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
N Coulson	Y Hernandez	N Osmond	N Watson
N Crespo	N Hoffman	Y Osterman	N Winters
N Cross	N Holbrook	N Phelps	Y Yarbrough
N Cultra	Y Howard	N Pihos	Y Zalewski
Y Currie	Y Jackson	N Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1381
MEDICAL CANNABIS
THIRD READING
LOST

January 06, 2011

56 YEAS 60 NAYS 1 PRESENT

N Acevedo	Y Davis, William	N Kosel	N Reboletti
Y Arroyo	N DeLuca	Y Lang	N Reis
N Bassi	Y Dugan	N Leitch	N Reitz
N Beaubien	Y Dunkin	Y Lilly	Y Riley
N Beiser	N Durkin	N Lyons	N Rita
N Bellock	N Eddy	Y Mathias	N Rose
Y Berrios	N Farnham	N Mautino	N Sacia
N Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	N Schmitz
N Bost	Y Flowers	N McAsey	N Senger
N Bradley	Y Ford	N McAuliffe	N Sente
N Brady	N Fortner	N McCarthy	Y Smith
N Brauer	N Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y Miller	N Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	P Thapedi
Y Chapa LaVia	N Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	Y Nekritz	Y Wait
N Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	N Osmond	N Watson
N Crespo	N Hoffman	Y Osterman	Y Winters
N Cross	N Holbrook	N Phelps	Y Yarbrough
N Cultra	Y Howard	N Pihos	N Zalewski
Y Currie	Y Jackson	N Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3712
VETERINARY RECORDS-LIABILITY
THIRD READING
LOST

January 06, 2011

46 YEAS 71 NAYS 0 PRESENT

N Acevedo	Y Davis, William	N Kosel	N Reboletti
Y Arroyo	N DeLuca	N Lang	N Reis
N Bassi	N Dugan	N Leitch	N Reitz
N Beaubien	Y Dunkin	Y Lilly	N Riley
N Beiser	N Durkin	Y Lyons	N Rita
N Bellock	N Eddy	N Mathias	Y Rose
Y Berrios	N Farnham	N Mautino	N Sacia
Y Biggins	Y Feigenholtz	N May	N Saviano
Y Boland	Y Flider	Y Mayfield	N Schmitz
Y Bost	Y Flowers	N McAsey	N Senger
N Bradley	Y Ford	N McAuliffe	N Sente
N Brady	N Fortner	N McCarthy	N Smith
N Brauer	N Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
N Burns	Y Gabel	Y Mendoza	Y Stephens
N Carberry	Y Golar	N Miller	N Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	N Thapedi
Y Chapa LaVia	N Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	Y Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	N Harris	E Mulligan	N Verschoore
N Colvin	N Hatcher	N Nekritz	N Wait
N Connelly	N Hays, Chad	N O'Sullivan	Y Walker
Y Coulson	Y Hernandez	N Osmond	N Watson
N Crespo	Y Hoffman	Y Osterman	Y Winters
N Cross	N Holbrook	N Phelps	N Yarbrough
Y Cultra	Y Howard	N Pihos	Y Zalewski
Y Currie	Y Jackson	N Poe	Y Mr. Speaker
N D'Amico	Y Jakobsson	N Pritchard	
N Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 3539
PROBATION OFF-QUALIFICATIONS
THIRD READING
PASSED

January 06, 2011

60 YEAS 54 NAYS 0 PRESENT

N Acevedo	Y Davis, William	N Kosel	N Reboletti
Y Arroyo	NV DeLuca	Y Lang	N Reis
N Bassi	N Dugan	N Leitch	N Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
N Beiser	N Durkin	Y Lyons	Y Rita
N Bellock	N Eddy	N Mathias	NV Rose
Y Berrios	N Farnham	N Mautino	N Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	N Schmitz
N Bost	Y Flowers	N McAsey	N Senger
N Bradley	Y Ford	N McAuliffe	Y Sente
N Brady	N Fortner	Y McCarthy	Y Smith
N Brauer	N Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y Miller	Y Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	Y Thapedi
Y Chapa LaVia	N Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	Y Nekritz	N Wait
N Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
N Coulson	Y Hernandez	Y Osmond	NV Watson
N Crespo	N Hoffman	Y Osterman	N Winters
N Cross	N Holbrook	N Phelps	Y Yarbrough
N Cultra	Y Howard	N Pihos	N Zalewski
Y Currie	Y Jackson	N Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	N Ramey	

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1760
REGULATION-TECH
THIRD READING
PASSED

January 06, 2011

62 YEAS 54 NAYS 0 PRESENT

N Acevedo	Y Davis, William	N Kosel	N Reboletti
Y Arroyo	N DeLuca	Y Lang	N Reis
N Bassi	Y Dugan	N Leitch	N Reitz
N Beaubien	Y Dunkin	Y Lilly	Y Riley
N Beiser	N Durkin	Y Lyons	N Rita
N Bellock	N Eddy	N Mathias	N Rose
Y Berrios	Y Farnham	N Mautino	N Sacia
N Biggins	Y Feigenholtz	Y May	N Saviano
Y Boland	Y Flider	Y Mayfield	N Schmitz
N Bost	Y Flowers	Y McAsey	N Senger
Y Bradley	Y Ford	N McAuliffe	Y Sente
N Brady	N Fortner	Y McCarthy	N Smith
N Brauer	Y Franks	Y McGuire	N Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	N Stephens
Y Carberry	Y Golar	Y Miller	N Sullivan
N Cavaletto	Y Gordon, Careen	N Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	N Mitchell, Jerry	N Tracy
N Coladipietro	N Hammond	N Moffitt	N Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	Y Nekritz	N Wait
N Connelly	N Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	N Osmond	NV Watson
Y Crespo	Y Hoffman	Y Osterman	N Winters
N Cross	N Holbrook	N Phelps	Y Yarbrough
N Cultra	Y Howard	N Pihos	Y 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

161ST LEGISLATIVE DAY

Perfunctory Session

THURSDAY, JANUARY 6, 2011

At the hour of 7:46 o'clock p.m., the House convened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Howard replaced Representative Currie in the Committee on Revenue & Finance on January 6, 2011.

Representative Harris replaced Representative Madigan in the Committee on Executive on January 6, 2011.

REPORTS FROM STANDING COMMITTEES

Representative Mautino, Chairperson, from the Committee on Revenue & Finance to which the following were referred, action taken on January 6, 2011, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 5178.

The committee roll call vote on Motion to Concur with Senate Amendments Numbered 1 and 2 to House Bill 5178 is as follows:

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

Y Bradley(D), Chairperson
Y Bassi(R)
P Biggins(R)
Y Howard(D) (replacing Currie)
Y Ford(D)
Y Sullivan(R)
Y Mautino(D), Vice-Chairperson
Y Beaubien(R)
Y Chapa LaVia(D)
Y Eddy(R)
Y Gordon, Careen(D)
P Zalewski(D)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 7, 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 SENATE BILLS 336, 352, 1055, 1383, 2545, 2983, 3086, 3087, 3088, 3336, 3461, 3507, 3644 and 3779.

The committee roll call vote on Senate Bills 336, 352, 1055, 1383, 2545, 2983, 3086, 3087, 3088, 3336, 3461, 3507, 3644 and 3779 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 Harris(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 352, 1055, 1383, 2545, 2797, 2983, 3086, 3087, 3088, 3336, 3461, 3507, 3644 and 3779.

At the hour of 7:48 o'clock p.m., the House Perfunctory Session adjourned.