SENATE JOURNAL

STATE OF ILLINOIS

ONE HUNDRED FIRST GENERAL ASSEMBLY

37TH LEGISLATIVE DAY

WEDNESDAY, MAY 1, 2019

12:21 O'CLOCK P.M.

NO. 37
[May 1, 2019]

SENATE
Daily Journal Index
37th Legislative Day

The Senate met pursuant to adjournment.
Senator Antonio Munóz, Chicago, Illinois, presiding.
Prayer by Pastor Keith Thomas, Mt. Olive Missionary Baptist Church, Champaign, Illinois.
Senator Cunningham led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, April 30, 2019, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

ISBE Special Education Expenditures and Receipts Report 2019 PA 095-0555, submitted by the State Board of Education.

JCAR 2018 Annual Report - Consolidated File, submitted by the Joint Committee on Administrative Rules.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Sterling Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Effingham Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Pleasant Plains Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Kansas Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Princeton Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Perry County Sheriff's Office.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Ashland Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Champaign Police Department .

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the White County Sheriff's Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the White County Sheriff's Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Montgomery County Sheriff's Office.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Morris Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Edwardsville Police Department .

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the City of Kinmundy Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Jacksonville Police Department .

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Mt. Vernon Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Chicago Ridge Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Marshall County Sheriff's Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Belvidere Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Granite City Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Morrison Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the DeKalb Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Chatham Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Edwardsville Police Department .

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Jasper County Sheriff's Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Robinson Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Coles County Sheriff's Office.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Arlington Heights Police Department .

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Rosemont Public Safety Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Toluca Police Department.

Reporting Requirement of 50 ILCS 707/15 (Law Enforcement Camera Grant Act), submitted by the Dana Police Department.

DHR 2018 Annual Report, submitted by the Department of Human Rights.

2018 Annual Report Ending Hunger: Protecting our Progress, submitted by the Department of Human Rights.

Commission on Discrimination and Hate Crimes - Fiscal Year 2018 Annual Report, submitted by the Department of Human Rights.

The foregoing reports were ordered received and placed on file with the Secretary's office.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 2084
Amendment No. 1 to House Bill 2154
Amendment No. 1 to House Bill 2723
Amendment No. 1 to House Bill 3101

The following Committee amendment to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

Amendment No. 1 to Senate Joint Resolution 36

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

April 30, 2019

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dave Koehler to temporarily replace Senator Michael Hastings as a member of the Senate Executive Committee. This appointment will expire upon adjournment of the Senate Executive Committee on April 30, 2019.

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

Senate President

cc: Senate Republican Leader William Brady

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 369

Offered by Senator Barickman and all Senators:
Mourns the death of Woodrow George "Woody" Shadid of Normal.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

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

SENATE JOINT RESOLUTION NO. 41

WHEREAS, The State has a vested interest in maximizing the number of students who complete credit-bearing certificate programs and two-year or four-year degree programs and enter into high-skill, high-wage occupations; and

WHEREAS, 46% of Illinois high school graduates who enroll in community college are placed into developmental coursework in at least one subject; and

WHEREAS, Inconsistent and inadequate approaches to placement have resulted in too many students being placed into developmental education who could succeed in college-level coursework; and

WHEREAS, The traditional developmental education model costs students time, money, and financial aid; and

WHEREAS, Developmental education does not count as college credit and can be a barrier to retention, persistence, transfer, and certificate or degree completion, particularly with Black, Latino, first generation, and low-income students; and

WHEREAS, There are instructional models of developmental education that have demonstrated improvement in college-level course completion compared to traditional models, including but not limited to corequisite remediation, accelerated coursework, emporium models, and Preparatory Mathematics for General Education (PMGE); and

WHEREAS, Colleges and universities have invested significant time, resources, and money into these different developmental education models; and

WHEREAS, The legislature has made significant investments to improve college preparedness; and

WHEREAS, The Illinois Council of Community College Presidents, the Illinois Chief Academic Officers, the Illinois Chief Student Services Officers, and the Illinois Math Association of Community Colleges have already agreed upon a common, multiple measures framework for placement that is currently being implemented; and

WHEREAS, To ensure all models of developmental education are maximizing students' likelihood of success, the State must inventory and evaluate all developmental education instructional models offered in the State; and

WHEREAS, The Illinois Community College Board and Illinois Board of Higher Education are well positioned to improve placement practices and fully scale developmental education reforms, across all State public institutions; therefore, be it

RESOLVED, BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Community College Board (ICCB) and the Illinois Board of Higher Education (IBHE) shall establish a joint advisory council to provide a benchmarking report to the General Assembly on or before April 1, 2020, that shall include:

(1) An inventory of all instructional models and developmental course sequences employed by Illinois' public colleges and universities for students placed into developmental education or otherwise determined to need additional skills development in math or English;

(2) An analysis of all instructional models employed by Illinois' public colleges and universities for students placed into developmental education or otherwise determined to need additional skills development in math or English, including, at a minimum, the number and percentage of students completing gateway courses within their first two semesters under each model; and

(3) An inventory and analysis of developmental education placement practices and policies (including cut off scores) employed at all public colleges and universities in the State; and be it further

RESOLVED, That on or before July 1, 2020, the advisory council must deliver to ICCB, IBHE, and the General Assembly, a detailed plan for scaling developmental education reforms, such that institutions improve developmental education placement measures and such that, within a timeframe to be set by the advisory council, all students who are placed in developmental education are enrolled in a developmental education model that is proven to maximize their likelihood of completing a college-level course within their first two academic semesters; and be it further

RESOLVED, That for the purposes of this resolution, "improved placement measures" is defined as measures that give greater opportunities to enroll directly into college-level classes, reducing the overall percent of students placed into developmental education, preferably through decreased reliance on high-stakes tests and increased use of high school GPA as a determining measure; and be it further

RESOLVED, That the implementation plan should include specific benchmarks that institutions must meet to stay on track to full-scale implementation on the timeframe set by the advisory council; and be it further

RESOLVED, That the advisory council should include similar representation from two-year and four-year institutions and, at a minimum, include the following:

(1) One member representing ICCB to act as chair of the council;

(2) One member representing IBHE to act as co-chair of the council;

(3) One member from the Illinois Senate to act as co-chair of the council;

(4) One member from the Illinois House of Representatives;

(5) Three public university employees recommended by the IBHE Academic Leadership group;

(6) A community college employee recommended by a statewide organization representing the City Colleges of Chicago;

(7) A community college employee recommended by a statewide organization representing a suburban Chicago community college;

(8) A community college employee recommended by a statewide organization representing a downstate community college;

(9) One member representing a higher education advocacy organization focused on closing equity gaps in college completion from low-income and first generation college students and students of color;

(10) One member representing a statewide advocacy organization focused on improving educational and employment opportunities for women and adults;

(11) One member representing each of the following entities:

(a) Illinois Council of Community College Presidents (ICCCP), appointed by ICCCP;

(b) Illinois public university presidents, appointed by IBHE;

(c) Illinois Community College Chief Academic Officers (ICCCAO), appointed by ICCCAO;

(d) Illinois Community College Student Services Officers (ICCCSSO), appointed by ICCCSSO;

(e) Illinois public university student service administrators, appointed by IBHE;

(f) Illinois public university provosts, appointed by IBHE;
(g) Illinois Community College Trustee Association (ICCTA), appointed by ICCTA;
(h) Illinois public university trustees, appointed by IBHE; and
(11) One member to be appointed by the Governor; and be it further

RESOLVED, That, of the appointed community college and university employees, at least one must be an English faculty member participating in the Illinois Articulation Initiative and one must be a member of the Illinois Mathematics Association of Community Colleges (IMACC); and be it further

RESOLVED, That the chairs of the advisory council shall be responsible for scheduling meetings, setting meeting agendas, ensuring the development and delivery of the final report and implementation plan, and other administrative tasks, in consultation with advisory council members; and be it further

RESOLVED, The Council shall produce a final report by January 1, 2021 and upon the filing of this report is dissolved; the report should include, at a minimum, an update on the implementation of co-requisite remediation and alternative evidence-based developmental education models at every college and university, and include data on enrollment and throughput, defined as the percent of students initially enrolled who have progressed through gateway-level courses, by institution and disaggregated by race, ethnicity, gender, and Pell-status; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the ICCB and IBHE.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 2 to Senate Bill 471
Senate Amendment No. 2 to Senate Bill 664
Senate Amendment No. 1 to Senate Bill 687
Senate Amendment No. 1 to Senate Bill 689
Senate Amendment No. 1 to Senate Bill 690

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

Senator Harmon, Vice-Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 348, 1552, 1554, 2040, 2577, 2625, 2675, 3604 and 3610,** reported the same back with the recommendation that the bills do pass.

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

Senator Bertino-Tarrant, Vice-Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 171
Senate Amendment No. 2 to Senate Bill 651
Senate Amendment No. 3 to Senate Bill 651
Senate Amendment No. 2 to Senate Bill 1839

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

Senator Bertino-Tarrant, Vice-Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 2613, 2811, 2957 and 3468,** reported the same back with the recommendation that the bills do pass.

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

Senator McGuire, Vice-Chairperson of the Committee on State Government, to which was referred **Senate Resolutions numbered 277 and 351,** reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 277 and 351** were placed on the Secretary's Desk.

Senator McGuire, Vice-Chairperson of the Committee on State Government, to which was referred **House Bills Numbered 210, 313, 816, 854, 2028, 2074, 2086, 2639, 2652, 2800, 2836, 2924, 2936, 2937, 2940, 2941, 2983, 3014, 3217 and 3249,** reported the same back with the recommendation that the bills do pass.

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

Senator Harris, Chairperson of the Committee on Insurance, to which was referred **Senate Resolution No. 264,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 264** was placed on the Secretary's Desk.

Senator Harris, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 1639, 2160, 2847, 3320 and 3435,** reported the same back with the recommendation that the bills do pass.

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 925, 2209, 2243, 2931, 3096 and 3590,** reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 105, 271, 303, 814, 910, 1659, 2073, 2081, 2103, 2129, 2252, 2473, 2489, 2499, 2591, 2993, 3141 and 3369,** reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 2215 and 2854,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Link, Vice-Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 1581, 2238 and 2961,** reported the same back with the recommendation that the bills do pass.

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

Senator Link, Vice-Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 2460 and 2685,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Aquino, Chairperson of the Committee on Government Accountability and Pensions, to which was referred **House Bills Numbered 1472, 1580, 2617, 2662, 2824, 3082, 3213 and 3446,** reported the same back with the recommendation that the bills do pass.

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

Senator Aquino, Chairperson of the Committee on Government Accountability and Pensions, to which was referred **House Bill No. 2029,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator T. Cullerton, Chairperson of the Committee on Labor, to which was referred **Senate Resolution No. 250,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 250** was placed on the Secretary's Desk.

Senator T. Cullerton, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 1918, 2557, 2830 and 3405,** reported the same back with the recommendation that the bills do pass.

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

APPOINTMENT MESSAGES

Appointment Message No. 1010175

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Director

Agency or Other Body: Illinois Department of Employment Security

Start Date: April 29, 2019

End Date: January 18, 2021

Name: Thomas Chan

Residence: 3805 N. Fremont St., #3M, Chicago, IL 60613

Annual Compensation: $163,690 per annum

Per diem: Not Applicable

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Jeffery Mays

Superseded Appointment Message: Not Applicable

Appointment Message No. 1010176

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: April 29, 2019

End Date: July 1, 2020

Name: Michael Gelder

Residence: 3330 Lake St., Evanston, IL 60203

Annual Compensation: Expenses or Hardship Allowance

Per diem: Not Applicable

Nominee's Senator: Senator Laura Fine

Most Recent Holder of Office: Joel Johnson

Superseded Appointment Message: Not Applicable

Appointment Message No. 1010177

To the Honorable Members of the Senate, One Hundred First General Assembly:

I, JB Pritzker, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Health Facilities and Services Review Board

Start Date: April 29, 2019

End Date: July 1, 2021

Name: Julie Hamos

Residence: 1240 N. Lake Shore Dr., Apt. 28B, Chicago, IL 60610

Annual Compensation: Expenses or Hardship Allowance

Per diem: Not Applicable

Nominee's Senator: Senator Robert Peters

Most Recent Holder of Office: Kathryn Olson

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Executive Appointments.

LEGISLATIVE MEASURES FILED

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

Amendment No. 1 to House Bill 386
Amendment No. 1 to House Bill 834
Amendment No. 1 to House Bill 1583
Amendment No. 1 to House Bill 2987
Amendment No. 1 to House Bill 3440

Amendment No. 1 to House Bill 3584

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

Amendment No. 2 to Senate Bill 687

At the hour of 12:39 o'clock p.m., Senator Hunter, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce and Economic Development: **Committee Amendment No. 1 to House Bill 2156**.

Education: **Committee Amendment No. 1 to Senate Joint Resolution 36; Committee Amendment No. 1 to House Bill 2084**.

Human Services: **Committee Amendment No. 1 to House Bill 2154; Committee Amendment No. 1 to House Bill 2723; Committee Amendment No. 1 to House Bill 3101**.

Insurance: **House Bill 471**.

Local Government: **Committee Amendment No. 1 to House Bill 2124; Committee Amendment No. 1 to House Bill 2862**.

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Higher Education: **Senate Joint Resolution No. 41.**

State Government: **Senate Resolution No. 363.**

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, reported that the following Legislative Measure has been approved for consideration:

Floor Amendment No. 2 to Senate Bill 687

The foregoing floor amendment was placed on the Secretary's Desk.

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Resolution 282

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

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, to which was referred **Senate Bill No. 1240** on April 12, 2019, pursuant to Rule 3-9(a), reported that the

Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 1240** was returned to the order of third reading.

Pursuant to Senate Rule 3-8 (b-1), the following amendment will remain in the Committee on Assignments: **Floor Amendment No. 4 to Senate Bill 650**

LEGISLATIVE MEASURE FILED

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

Amendment No. 3 to Senate Bill 1240

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Lightford, Chairperson of the Committee on Assignments, during its May 1, 2019 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Floor Amendment No. 3 to Senate Bill 1240**.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Muñoz moved that **Senate Resolution No. 282**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Muñoz moved that Senate Resolution No. 282 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 12:51 o'clock p.m., President Cullerton, presiding, for the introduction of a special guest.

At the hour of 1:01 o'clock p.m., Senator Munóz, presiding, and the Senate resumed consideration of business.

At the hour of 1:06 o'clock p.m., Senator Koehler, presiding.

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 171** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 171

AMENDMENT NO. 1. Amend Senate Bill 171 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 22.57 as follows:
(415 ILCS 5/22.57)
Sec. 22.57. Perchloroethylene in drycleaning.

(a) For the purposes of this Section:

"Drycleaning" means the process of cleaning clothing, garments, textiles, fabrics, leather goods, or other like articles using a nonaqueous solvent.

"Drycleaning machine" means any machine, device, or other equipment used in drycleaning.

"Drycleaning solvents" means solvents used in drycleaning.

"Perchloroethylene drycleaning machine" means a drycleaning machine that uses perchloroethylene.

"Primary control system" means a refrigerated condenser or an equivalent closed-loop vapor recovery system that reduces the concentration of perchloroethylene in the recirculating air of a perchloroethylene drycleaning machine.

"Refrigerated condenser" means a closed-loop vapor recovery system into which perchloroethylene vapors are introduced and trapped by cooling below the dew point of the perchloroethylene.

"Secondary control system" means a device or apparatus that reduces the concentration of perchloroethylene in the recirculating air of a perchloroethylene drycleaning machine at the end of the drying cycle beyond the level achievable with a refrigerated condenser alone.

(b) Beginning January 1, 2013:

(1) Perchloroethylene drycleaning machines in operation on the effective date of this Section that have a primary control system but not a secondary control system can continue to be used until the end of their useful life, provided that perchloroethylene drycleaning machines that do not have a secondary control system cannot be operated at a facility other than the facility at which they were located on the effective date of this Section.

(2) Except as allowed under paragraph (1) of subsection (b) of this Section, no person shall install or operate a perchloroethylene drycleaning machine unless the machine has a primary control system and a secondary control system.

(c) No ~~Beginning January 1, 2014, no~~ person shall operate a drycleaning machine unless all of the following are met:

(1) During the operation of any perchloroethylene drycleaning machine, a person who has successfully completed all continuing education requirements adopted by the Board pursuant to Section 12 of the Drycleaner Environmental Response Trust Fund Act ~~with the following training~~ is present at the facility where the machine is located. ~~:~~

~~(A) Successful completion of an initial environmental training course that is approved by the Dry Cleaner Environmental Response Trust Fund Council, in consultation with the Agency and representatives of the drycleaning industry, as providing appropriate training on drycleaning best management practices, including, but not limited to, reducing solvent air emissions, reducing solvent spills and leaks, protecting groundwater, and promoting the efficient use of solvents.~~

~~(B) Once every 4 years after completion of the initial environmental training course, successful completion of a refresher environmental training course that is approved by the Dry Cleaner Environmental Response Trust Fund Council, in consultation with the Agency and representatives of the drycleaning industry, as providing (i) appropriate review and updates on drycleaning best management practices, including, but not limited to, reducing solvent air emissions, reducing solvent spills and leaks, protecting groundwater, and promoting the efficient use of solvents, and (ii) information on drycleaning solvents, technologies, and alternatives that do not utilize perchloroethylene.~~

(2) For drycleaning facilities where one or more perchloroethylene drycleaning machines are used, proof of successful completion of all ~~the~~ training required by the Board pursuant to Section 12 of the Drycleaner Environmental Response Trust Fund Act ~~under paragraph (1) of subsection (c) of this Section~~ is maintained at the drycleaning facility. Proof of successful completion of the training must be made available for inspection and copying by the Agency or units of local government during normal business hours. Training used to satisfy paragraph (3) ~~(2)~~ of subsection (b) ~~(d)~~ of Section 60 ~~45~~ of the Drycleaner Environmental Response Trust Fund Act may also be used to satisfy training requirements under ~~paragraph (1) of subsection (c) of~~ this Section to the extent that the training ~~it~~ meets the requirements of the Board rules ~~paragraph (1) of subsection (c) of this Section~~.

(3) All of the following secondary containment measures are in place:

(A) There is a containment dike or other containment structure around each machine, item of equipment, drycleaning area, and portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container. The containment dike or other containment structure shall be capable of at least the following: (i) containing a capacity of 110% of the drycleaning solvent in the largest tank or vessel within the machine; (ii) containing 100% of the drycleaning solvent of each item of equipment or drycleaning area; and (iii) containing 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers

stored within the containment dike or structure, whichever is greater. Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR Part 280 for the tanks and related piping systems and use a leak detection system approved by the USEPA or the Agency are exempt from this subparagraph (A).

(B) Those portions of diked floor surfaces on which a drycleaning solvent may leak, spill, or otherwise be released have been sealed or otherwise rendered impervious.

(C) All chlorine-based drycleaning solvent is delivered to the drycleaning facility by means of closed, direct-coupled delivery systems. ~~The Dry Cleaner Environmental Response Trust Fund Council may adopt rules specifying methods of delivery of solvents other than chlorine-based solvents to drycleaning facilities. Solvents other than chlorine-based solvents must be delivered to drycleaning facilities in accordance with rules adopted by the Dry Cleaner Environmental Response Trust Fund Council.~~

(d) (Blank). ~~Manufacturers of drycleaning solvents or other cleaning agents used as alternatives to perchloroethylene drycleaning that are sold or offered for sale in Illinois must, in accordance with Agency rules, provide to the Agency sufficient information to allow the Agency to determine whether the drycleaning solvents or cleaning agents may pose negative impacts to human health or the environment. These alternatives shall include, but are not limited to, drycleaning solvents or other cleaning agents used in solvent-based cleaning, carbon-dioxide-based cleaning, and professional wet cleaning methods. The information shall include, but is not limited to, information regarding the physical and chemical properties of the drycleaning solvents or cleaning agents and toxicity data. No later than July 1, 2015, the Agency shall adopt in accordance with the Illinois Administrative Procedure Act rules specifying the information that manufacturers must submit under this subsection (d). The rules must include, but shall not be limited to, a deadline for submission of the information to the Agency. No later than July 1, 2018, the Agency shall post information resulting from its review of the drycleaning solvents and cleaning agents on the Agency's website.~~

(e) (Blank). ~~No later than January 1, 2016, the Agency shall submit to the General Assembly a report on the impact to groundwater from newly discovered releases of perchloroethylene from any source in this State. Depending on the nature and scope of any releases that have impacted groundwater, the report may include, but shall not be limited to, recommendations for reducing or eliminating impacts to groundwater from future releases.~~

(Source: P.A. 97-1057, eff. 1-1-13.)

Section 10. The Drycleaner Environmental Response Trust Fund Act is amended by changing Sections 5, 10, 25, 40, 50, 55, 60, 65, and 69, and by adding Sections 69.5 and 77 as follows:

(415 ILCS 135/5)

Sec. 5. Definitions. As used in this Act:

~~(a)~~ "Active drycleaning facility" means a drycleaning facility actively engaged in drycleaning operations and licensed under Section 60 of this Act.

~~(b)~~ "Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

~~(c)~~ "Claimant" means an owner or operator of a drycleaning facility who has applied for reimbursement from the remedial account or who has submitted a claim under the insurance account with respect to a release.

~~(d)~~ "Council" means the Drycleaner Environmental Response Trust Fund Council.

~~(e)~~ "Drycleaner Environmental Response Trust Fund" or "Fund" means the fund created under Section 10 of this Act.

~~(f)~~ "Drycleaning facility" means a facility located in this State that is or has been engaged in drycleaning operations for the general public, other than ~~a~~:

(1) a facility located on a United States military base;

(2) an industrial laundry, commercial laundry, or linen supply facility;

(3) a prison or other penal institution that engages in drycleaning only as part of a Correctional Industries program to provide drycleaning to persons who are incarcerated in a prison or penal institution or to resident patients of a State-operated mental health facility;

(4) a not-for-profit hospital or other health care facility; or a

(5) a facility located or formerly located on federal or State property.

~~(g)~~ "Drycleaning operations" means drycleaning of apparel and household fabrics for the general public, as described in Standard Industrial Classification Industry No. 7215 and No. 7216 in the Standard Industrial Classification Manual (SIC) by the Technical Committee on Industrial Classification.

~~(h)~~ "Drycleaning solvent" means any and all nonaqueous solvents, including but not limited to a chlorine-based or petroleum-based formulation or product, including green solvents, that are used as a primary cleaning agent in drycleaning operations.

~~(i)~~ "Emergency" or "emergency action" means a situation or an immediate response to a situation to protect public health or safety. "Emergency" or "emergency action" does not mean removal of contaminated soils, recovery of free product, or financial hardship. An "emergency" or "emergency action" would normally be expected to be directly related to a sudden event or discovery and would last until the threat to public health is mitigated.

~~(j)~~ "Groundwater" means underground water that occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than the atmospheric pressure.

~~(k)~~ "Inactive drycleaning facility" means a drycleaning facility that is not being used for drycleaning operations and is not registered under this Act.

~~(l)~~ "Maintaining a place of business in this State" or any like term means (1) having or maintaining within this State, directly or through a subsidiary, an office, distribution facility, distribution house, sales house, warehouse, or other place of business or (2) operating within this State as an agent or representative for a person or a person's subsidiary engaged in the business of selling to persons within this State, irrespective of whether the place of business or agent or other representative is located in this State permanently or temporary, or whether the person or the person's subsidiary engages in the business of selling in this State.

~~(m)~~ "No Further Remediation Letter" means a letter provided by the Agency pursuant to Section 58.10 of Title XVII of the Environmental Protection Act.

~~(n)~~ "Operator" means a person or entity holding a business license to operate a licensed drycleaning facility or the business operation of which the drycleaning facility is a part.

~~(o)~~ "Owner" means (1) a person who owns or has possession or control of a drycleaning facility at the time a release is discovered, regardless of whether the facility remains in operation or (2) a parent corporation of the person under item (1) of this subdivision.

~~(p)~~ "Parent corporation" means a business entity or other business arrangement that has elements of common ownership or control or that uses a long-term contractual arrangement with a person to avoid direct responsibility for conditions at a drycleaning facility.

~~(q)~~ "Person" means an individual, trust, firm, joint stock company, corporation, consortium, joint venture, or other commercial entity.

~~(r)~~ "Program year" means the period beginning on July 1 and ending on the following June 30.

~~(s)~~ "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or dispersing of drycleaning solvents from a drycleaning facility to groundwater, surface water, or subsurface soils.

~~(t)~~ "Remedial action" means activities taken to comply with Title XVII ~~Sections 58.6 and 58.7~~ of the Environmental Protection Act and rules adopted by the ~~Pollution Control~~ Board to administer that Title ~~under those Sections~~.

~~(u)~~ "Responsible party" means an owner, operator, or other person financially responsible for costs of remediation of a release of drycleaning solvents from a drycleaning facility.

~~(v)~~ "Service provider" means a consultant, testing laboratory, monitoring well installer, soil boring contractor, other contractor, lender, or any other person who provides a product or service for which a claim for reimbursement has been or will be filed against the Fund ~~remedial account or insurance account~~, or a subcontractor of such a person.

~~(w)~~ "Virgin facility" means a drycleaning facility that has never had chlorine-based or petroleum-based drycleaning solvents stored or used at the property prior to it becoming a green solvent drycleaning facility. (Source: P.A. 93-201, eff. 1-1-04.)

(415 ILCS 135/10)

Sec. 10. Drycleaner Environmental Response Trust Fund.

(a) The Drycleaner Environmental Response Trust Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall be used by the Agency ~~solely~~ for the purposes of ~~the Council and for other purposes as provided in~~ this Act. The Fund shall include moneys credited to the Fund under this Act and other moneys that by law may be credited to the Fund. The State Treasurer may invest moneys ~~Funds~~ deposited into the Fund ~~at the direction of the Council~~. Interest, income from the investments, and other income earned by the Fund shall be credited to and deposited into the Fund.

~~Pursuant to appropriation, all moneys in the Drycleaner Environmental Response Trust Fund shall be disbursed by the Agency to the Council for the purpose of making disbursements, if any, in accordance with this Act and for the purpose of paying the ordinary and contingent expenses of the Council. After June 30, 1999, pursuant to appropriation, all moneys in the Drycleaner Environmental Response Trust~~

~~Fund may be used by the Council for the purpose of making disbursements, if any, in accordance with this Act and for the purpose of paying the ordinary and contingent expenses of the Council.~~

The Fund may be divided into different accounts with different depositories to fulfill the purposes of the Act ~~as determined by the Council~~.

Moneys in the Fund at the end of a State fiscal year shall be carried forward to the next fiscal year and shall not revert to the General Revenue Fund.

(b) The specific purposes of the Fund include, but are not limited to, the following:

(1) To establish an account to fund remedial action of drycleaning solvent releases from drycleaning facilities as provided by Section 40.

(2) To establish an insurance account for insuring environmental risks from releases from drycleaning facilities within this State as provided by Section 45.

(c) The State, the General Revenue Fund, and any other Fund of the State, other than the Drycleaner Environmental Response Trust Fund, shall not be liable for a claim or cause of action in connection with a drycleaning facility not owned or operated by the State or an agency of the State. All expenses incurred by the Fund shall be payable solely from the Fund and no liability or obligation shall be imposed upon the State. The State is not liable for a claim presented against the Fund.

(d) The liability of the Fund is limited to the extent of coverage provided by the account under which a claim is submitted, subject to the terms and conditions of that coverage. The liability of the Fund is further limited by the moneys made available to the Fund, and no remedy shall be ordered that would require the Fund to exceed its then current funding limitations to satisfy an award or which would restrict the availability of moneys for higher priority sites.

(e) Nothing in this Act shall be construed to limit, restrict, or affect the authority and powers of the Agency or another State agency or statute unless the State agency or statute is specifically referenced and the limitation is clearly set forth in this Act.

(f) During each fiscal year, the Agency shall limit its administration of the Fund to no more $600,000 in administrative expenses. The limitation in this subsection (f) does not apply to costs incurred by the Agency in:

(1) reviewing remedial action under Title XVII of the Environmental Protection Act; or

(2) performing investigative or remedial actions.

(Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

(415 ILCS 135/25)

Sec. 25. Powers and duties of the Agency ~~Council~~.

(a) The Agency ~~Council~~ shall have all of the general powers reasonably necessary and convenient to carry out ~~its purposes and may perform the following functions, subject to any express limitations contained in~~ this Act , including, but not limited to, the power to:

(1) Take actions and enter into agreements necessary to:

(A) reimburse claimants for eligible remedial action expenses; ~~, assist the Agency~~

(B) ~~to~~ protect the environment from releases for which claimants are eligible for reimbursement under this Act by, among other things, performing investigative, remedial, or other appropriate actions in response to those releases; and

(C) reduce costs associated with remedial actions. ~~, and establish and implement an insurance program.~~

(2) Acquire and hold personal property to be used for the purpose of remedial action.

(3) (Blank). ~~Purchase, construct, improve, furnish, equip, lease, option, sell, exchange, or otherwise dispose of one or more improvements under the terms it determines. The Council may define "improvements" by rule for purposes of this Act.~~

(4) (Blank). ~~Grant a lien, pledge, assignment, or other encumbrance on one or more revenues, assets of right, accounts, or funds established or received in connection with the Fund, including revenues derived from fees or taxes collected under this Act.~~

(5) (Blank). ~~Contract for the acquisition or construction of one or more improvements or parts of one or more improvements or for the leasing, subleasing, sale, or other disposition of one or more improvements in a manner the Council determines.~~

(6) (Blank). ~~Cooperate with the Agency in the implementation and administration of this Act to minimize unnecessary duplication of effort, reporting, or paperwork and to maximize environmental protection within the funding limits of this Act.~~

(7) Except as otherwise provided by law, inspect any document in the possession of an owner, operator, service provider, or any other person if the document is relevant to a claim for reimbursement under this Section or may inspect a drycleaning facility for which a claim for benefits under this Act has been submitted.

(b) (Blank). ~~The Council shall pre-approve, and the contracting parties shall seek pre-approval for, a contract entered into under this Act if the cost of the contract exceeds $75,000. The Council or its designee shall review and approve or disapprove all contracts entered into under this Act. However, review by the Council or its designee shall not be required when an emergency situation exists. All contracts entered into by the Council shall be awarded on a competitive basis to the maximum extent practical. In those situations where it is determined that bidding is not practical, the basis for the determination of impracticability shall be documented by the Council or its designee.~~

(c) The Agency shall, in accordance with Board rules, ~~Council may~~ prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Agency shall ~~Council may~~ consider , among other things, the following:

(1) the degree to which human health is affected by the exposure posed by the release;

(2) the reduction of risk to human health derived from remedial action compared to the cost of the remedial action;

(3) the present and planned uses of the impacted property; ~~and~~

(4) whether the claimant is currently licensed, insured, and has paid all fees and premiums due under this Act; and

(5) ~~(4)~~ other factors as determined by the Board ~~Council~~.

(d) The Board may ~~Council shall~~ adopt rules allowing the direct payment from the Fund to a contractor who performs remediation. The rules concerning the direct payment shall include a provision that any applicable deductible must be paid by the drycleaning facility prior to any direct payment from the Fund.

(e) (Blank). ~~The Council may purchase reinsurance coverage to reduce the Fund's potential liability for reimbursement of remedial action costs.~~

(f) The Agency may, in accordance with constitutional limitations, enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of this Act, any rule adopted under this Act, or any order entered pursuant to this Act.

(g) If the Agency becomes aware of a violation of this Act or any rule adopted under this Act, it may refer the matter to the Attorney General for enforcement.

(h) In calendar years 2021 and 2022 and as deemed necessary by the Director of the Agency thereafter, the Agency shall prepare a report on the status of the Fund and convene a public meeting for purposes of disseminating the information in the report and accepting questions from members of the public on its contents. The reports prepared by the Agency under this subsection shall, at a minimum, describe the current financial status of the Fund, identify administrative expenses incurred by the Agency in its administration of the Fund, identify amounts from the Fund that have been applied toward remedial action and insurance claims under the Act, and list the drycleaning facilities in the State eligible for reimbursement from the Fund that have completed remedial action. The Agency shall make available on its website an electronic copy of the reports required under this subsection.

(Source: P.A. 93-201, eff. 1-1-04.)

(415 ILCS 135/40)

Sec. 40. Remedial action account.

(a) The remedial action account is established to provide reimbursement to eligible claimants for drycleaning solvent investigation, remedial action planning, and remedial action activities for existing drycleaning solvent contamination discovered at their drycleaning facilities.

(b) The following persons are eligible for reimbursement from the remedial action account:

(1) In the case of claimant who is the owner or operator of an active drycleaning facility licensed ~~by the Council~~ under this Act at the time of application for remedial action benefits afforded under the Fund, the claimant is only eligible for reimbursement of remedial action costs incurred in connection with a release from that drycleaning facility, subject to any other limitations under this Act.

(2) In the case of a claimant who is the owner of an inactive drycleaning facility and was the owner or operator of the drycleaning facility when it was an active drycleaning facility, the claimant is only eligible for reimbursement of remedial action costs incurred in connection with a release from the drycleaning facility, subject to any other limitations under this Act.

(c) An eligible claimant requesting reimbursement from the remedial action account shall meet all of the following:

(1) The claimant demonstrates that the source of the release is from the claimant's drycleaning facility.

(2) At the time the release was discovered by the claimant, the claimant and the drycleaning facility were in compliance with the Agency reporting and technical operating requirements.

(3) The claimant reported the release in a timely manner ~~to the Agency~~ in accordance with State law.

(4) The drycleaning facility site is enrolled in the Site Remediation Program established under Title XVII of the Environmental Protection Act. ~~(Blank).~~

(5) If the claimant is the owner or operator of an active drycleaning facility, the claimant must ensure that ~~has provided to the Council proof of implementation and maintenance of the following pollution prevention measures~~:

(A) All ~~That all~~ drycleaning solvent wastes generated at the ~~a~~ drycleaning facility are ~~be~~ managed in accordance with applicable State waste management laws and rules.

(B) There is no ~~A prohibition on the~~ discharge of wastewater from drycleaning machines , or of drycleaning solvent from drycleaning operations, to a sanitary sewer or septic tank or to the surface or in groundwater.

(C) The ~~That every~~ drycleaning facility has : ~~(I) install~~ a containment dike or other containment structure around each machine, item of equipment, drycleaning area, and portable waste container in which any drycleaning solvent is utilized, which is ~~shall be~~ capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container. The containment dike or other containment structure shall be capable of at least the following: (i) containing a capacity of 110% of the drycleaning solvent in the largest tank or vessel within the machine; (ii) containing 100% of the drycleaning solvent of each item of equipment or drycleaning area; and (iii) containing 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers stored within the containment dike or structure, whichever is greater.

Petroleum underground storage tank systems that are ~~upgraded~~ in compliance ~~accordance~~ with USEPA and State Fire Marshal rules, including, but not limited to, leak detection system rules, ~~upgrade standards pursuant to 40 CFR Part 280 for the tanks and related piping systems and use a leak detection system approved by the USEPA or IEPA~~ are exempt from this secondary containment requirement. ~~; and~~

(D) Those ~~(II) seal or otherwise render impervious those~~ portions of diked floor surfaces on which a drycleaning solvent may leak, spill, or otherwise be released are sealed or otherwise impervious.

(E) All ~~(D) A requirement that all~~ drycleaning solvent is ~~shall be~~ delivered to drycleaning facilities by means of closed, direct-coupled delivery systems.

(6) An active drycleaning facility has maintained continuous financial assurance for environmental liability coverage in the amount of at least $500,000 at least since the date of award of benefits under this Section or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this subdivision (6). To conform with this requirement the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period.

(7) The release was discovered on or after July 1, 1997 and before July 1, 2006.

(d) A claimant must have submitted ~~shall submit~~ a completed application form provided by the Council. The application shall contain documentation of activities, plans, and expenditures associated with the eligible costs incurred in response to a release of drycleaning solvent from a drycleaning facility. Application for remedial action account benefits must have been ~~be~~ submitted to the Council on or before June 30, 2005.

(e) Claimants shall be subject to the following deductible requirements~~, unless modified pursuant to the Council's authority under Section 75~~:

(1) If, by January 1, 2008, an eligible claimant submitting a claim for an active drycleaning facility completed site investigation and submitted to the Council a complete remedial action plan for the site, then the ~~An~~ eligible claimant ~~submitting a claim for an active drycleaning facility~~ is responsible for the first $5,000 of eligible investigation costs and for the first $10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act. Any eligible claimant submitting any other claim for an active drycleaning facility is responsible for the first $5,000 of eligible investigation costs and for the first $15,000 of eligible remedial action costs incurred in connection with the release from the

drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act.

(2) If, by January 1, 2008, an eligible claimant submitting a claim for an inactive drycleaning facility completed site investigation and submitted to the Council a complete remedial action plan for the site, then the ~~An eligible~~ claimant ~~submitting a claim for an inactive drycleaning facility~~ is responsible for the first $10,000 of eligible investigation costs and

for the first $10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act. Any eligible claimant submitting any other claim for an inactive drycleaning facility is responsible for the first $15,000 of eligible investigation costs and for the first $15,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act.

(f) Claimants are subject to the following limitations on reimbursement:

(1) Subsequent to meeting the deductible requirements of subsection (e)~~, and pursuant to the requirements of Section 75~~, reimbursement

shall not exceed $300,000 per active drycleaning facility and $50,000 per inactive drycleaning facility.

(2) (Blank). ~~A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or other applicable regulatory standards.~~

(3) (Blank). ~~A claimant may appoint the Council as an agent for the purposes of negotiating contracts with suppliers of goods or services reimbursable by the Fund. The Council may select another contractor for goods or services other than the one offered by the claimant if the scope of the proposed work or actual work of the claimant's offered contractor does not reflect the quality of workmanship required or if the costs are determined to be excessive, as determined by the Council.~~

(4) The Agency ~~Council~~ may require a claimant to obtain and submit 3 bids and may require specific terms and conditions in a contract subject to approval.

(5) The Agency ~~Council~~ may enter into a contract or an exclusive contract with the supplier of goods or services required by a claimant or class of claimants, in connection with an expense reimbursable from the Fund, for a specified good or service at a gross maximum price or fixed rate, and may limit reimbursement accordingly.

(6) Unless emergency conditions exist, a service provider shall obtain the Agency's ~~Council's~~ approval of all remediation work to be reimbursed from the Fund and a ~~the~~

budget for the remediation work before commencing the work. No expense incurred that is above the budgeted amount shall be paid unless the Agency ~~Council~~ approves the expense ~~prior to its being incurred~~. All invoices and bills relating to the remediation work shall be submitted with appropriate documentation, as deemed necessary by the Agency ~~Council~~.

(7) Neither the Council, nor the Agency, nor an eligible claimant is responsible for payment for costs incurred that have not been previously approved by the Council, or Agency, unless an emergency exists.

(8) To be eligible for reimbursement from the Fund, costs must be within the range of usual and customary rates for similar or equivalent goods or services, incurred in performance of remediation work approved by the Agency, and necessary to respond to the release for which the claimant is seeking reimbursement from the Fund. ~~The Council may determine the usual and customary costs of each item for which reimbursement may be awarded under this Section. The Council may revise the usual and customary costs from time to time as necessary, but costs submitted for reimbursement shall be subject to the rates in effect at the time the costs were incurred.~~

(9) If a claimant has pollution liability insurance coverage other than coverage

provided by the insurance account under this Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts established pursuant to ~~of~~ this Act. ~~If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council.~~

(f-5) Costs of corrective action or indemnification incurred by a claimant which have been paid to a claimant under a policy of insurance other than the insurance provided under this Act, another written agreement, or a court order are not eligible for reimbursement. A claimant who receives payment under such a policy, written agreement, or court order shall reimburse the State to the extent such payment covers

costs for which payment was received from the Fund. Any moneys received by the State under this subsection shall be deposited into the Fund.

(g) The source of funds for the remedial action account shall be moneys allocated to the account by the Agency ~~Council according to the Fund budget approved by the Council~~.

(h) A drycleaning facility will be classified as active or inactive for purposes of determining benefits under this Section based on the status of the facility on the date a claim is filed.

(i) Eligible claimants shall conduct remedial action in accordance with Title XVII of ~~the Site Remediation Program under~~ the Environmental Protection Act and rules adopted under that Act. ~~Part 740 of Title 35 of the Illinois Administrative Code and the Tiered Approach to Cleanup Objectives under Part 742 of Title 35 of the Illinois Administrative Code.~~

(j) Effective January 1, 2012, the owner or operator of an active drycleaning facility that has previously received or is currently receiving reimbursement for the costs of a remedial action, as defined in this Act, shall maintain continuous financial assurance for environmental liability coverage in the amount of at least $500,000 for that facility until ~~the earlier of (i)~~ January 1, 2030 ~~2020 or (ii) the date the Council determines the drycleaning facility is an inactive drycleaning facility~~. Failure to comply with this requirement will result in the revocation of the drycleaning facility's existing license and in the inability of the drycleaning facility to obtain or renew a license under Section 60 of this Act.

(k) Effective January 1, 2020, owners and operators of inactive drycleaning facilities that are eligible for reimbursement from the Fund on that date shall, until January 1, 2030, pay an annual $3,000 administrative assessment to the Agency for the facility. Administrative assessments collected by the Agency under this subsection (k) shall be deposited into the Fund.

(Source: P.A. 96-774, eff. 1-1-10; 97-377, eff. 1-1-12.)

(415 ILCS 135/50)

Sec. 50. Cost recovery; enforcement.

(a) The Agency ~~Council~~ may seek recovery from a potentially responsible party liable for a release that is the subject of a remedial action and for which the Fund has expended moneys for remedial action. The amount of recovery sought by the Agency ~~Council~~ shall be equal to all moneys expended by the Fund for and in connection with the remediation, including , but not limited to, reasonable attorney's ~~attorneys~~ fees and costs of litigation expended by the Fund in connection with the release.

(b) Except as provided in subsections (c) and (d):

(1) The Agency ~~Council~~ shall not seek recovery for expenses in connection with remedial action for a release from a claimant eligible for reimbursement except for any unpaid portion of the deductible.

(2) A claimant's liability for a release for which coverage is admitted under the insurance account shall not exceed the amount of the deductible, subject to the limits of insurance coverage.

(c) Notwithstanding subsection (b), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (a), if the claimant has not complied with the Environmental Protection Act, ~~and its rules or with~~ this Act , or ~~and its~~ rules adopted under either Act.

(d) Notwithstanding subsection (b), the liability of a claimant to the Fund shall be the total costs of remedial action incurred by the Fund, as specified in subsection (a), if the claimant received reimbursement from the Fund through misrepresentation or fraud, and the claimant shall be liable for the amount of the reimbursement.

(e) Upon reimbursement by the Fund for remedial action under this Act, the rights of the claimant to recover payment from a potentially responsible party are assumed by the Agency ~~Council~~ to the extent the remedial action was paid by the Fund. A claimant is precluded from receiving double compensation for the same injury. A claimant may elect to permit the Agency ~~Council~~ to pursue the claimant's cause of action for an injury not compensated by the Fund against a potentially responsible party, provided the Attorney General or his or her designee determines the representation would not be a conflict of interest.

(f) This Section does not preclude, limit, or in any way affect any of the provisions of or causes of action pursuant to Section 22.2 of the Environmental Protection Act.

(g) Any cost recovery action commenced before July 1, 2020, by the Council, pursuant to this Section, may be prosecuted or continued by the Attorney General on and after that date.

(h) All costs recovered under this Section shall be deposited into the Fund.

(Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/55)

Sec. 55. Limitation on actions; admissions.

(a) An award or reimbursement made from the Fund ~~by the Council~~ under this Act shall be the claimant's exclusive method for the recovery of the costs of drycleaning facility remediation.

(b) If a person conducts a remedial action activity for a release at a drycleaning facility site, whether or not the person files a claim under this Act, the claim and remedial action activity conducted are not evidence of liability or an admission of liability for any potential or actual environmental pollution or damage.

(Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/60)

(Section scheduled to be repealed on January 1, 2020)

Sec. 60. Drycleaning facility license.

(a) No ~~On and after January 1, 1998, no~~ person shall operate a drycleaning facility in this State without a license issued by the Council or Agency. Until July 1, 2020, the license required under this subsection shall be issued by the Council. On and after July 1, 2020, the license required under this subsection shall be issued by the Agency.

(b) Beginning July 1, 2020, ~~The Council shall issue~~ an initial or renewal license shall be issued to a drycleaning facility on submission by an applicant of a completed form prescribed by the Agency and ~~Council,~~ proof of payment of the required fee to the Department of Revenue, and, if the drycleaning facility has previously received or is currently receiving reimbursement for the costs of a remedial action, as defined in this Act, proof of compliance with subsection (j) of Section 40. The Agency shall make available on its website an electronic copy of the required license and license renewal applications. License ~~Beginning January 1, 2013, license~~ renewal application forms must include a certification by the applicant :

(1) that all hazardous waste stored at the drycleaning facility is stored in accordance with all applicable federal and state laws and regulations; ~~, and~~

(2) that all hazardous waste transported from the drycleaning facility is transported in accordance with all applicable federal and state laws and regulations; and

(3) that the applicant has successfully completed all continuing education requirements adopted by the Board pursuant to Section 12 of the Drycleaner Environmental Response Trust Fund Act. ~~Also, beginning January 1, 2013, license renewal applications must include copies of all manifests for hazardous waste transported from the drycleaning facility during the previous 12 months or since the last submission of copies of manifests, whichever is longer. If the Council does not receive a copy of a manifest for a drycleaning facility within a 3-year period, or within a shorter period as determined by the Council, the Council shall make appropriate inquiry into the management of hazardous waste at the facility and may share the results of the inquiry with the Agency.~~

(c) The ~~On or after January 1, 2004, the~~ annual fees for licensure are as follows:

(1) $1,500 ~~$500~~ for a facility that uses (i) 50 gallons or less of chlorine-based or green drycleaning solvents annually, (ii) 250 or less gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) 500 gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(2) $2,250 ~~$500~~ for a facility that uses (i) more than 50 gallons but not more than 100 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 250 gallons but not more 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 500 gallons but not more than 1,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(3) $3,000 ~~$500~~ for a facility that uses (i) more than 100 gallons but not more than 150 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 1,000 gallons but not more than 1,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(4) $3,750 ~~$1,000~~ for a facility that uses (i) more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(5) $4,500 ~~$1,000~~ for a facility that uses (i) more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(6) $5,000 ~~$1,000~~ for a facility that uses (i) more than 250 gallons but not more than 300 gallons of

chlorine-based or green drycleaning solvents annually, (ii) more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(7) $5,000 ~~$1,000~~ for a facility that uses (i) more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(8) $5,000 ~~$1,500~~ for a facility that uses (i) more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(9) $5,000 ~~$1,500~~ for a facility that uses (i) more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(10) $5,000 ~~$1,500~~ for a facility that uses (i) more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(11) $5,000 ~~$1,500~~ for a facility that uses (i) more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(12) $5,000 ~~$1,500~~ for a facility that uses (i) more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(13) $5,000 ~~$1,500~~ for a facility that uses (i) more than 600 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine equipped without a solvent reclaimer.

(14) $5,000 ~~$1,500~~ for a facility that uses more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

(15) $5,000 ~~$1,500~~ for a facility that uses more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer.

(16) $5,000 ~~$1,500~~ for a facility that uses more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

(17) $5,000 ~~$1,500~~ for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

For purpose of this subsection, the quantity of drycleaning solvents used annually shall be determined as follows:

(1) in the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subdivision is subject to audited adjustment for that year; or

(2) in the case of a renewal applicant, the quantity of drycleaning solvents actually purchased in the preceding license year.

~~The Council may adjust licensing fees annually based on the published Consumer Price Index - All Urban Consumers ("CPI-U") or as otherwise determined by the Council.~~

(d) A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the

Department of Revenue in accordance with subsections (c) and (e). ~~At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:~~

~~(1) notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and~~

~~(2) submit a license fee payment form to the licensed operator of each drycleaning facility.~~

(e) An operator of a drycleaning facility shall submit the appropriate application form provided by the Agency ~~Council~~ with the license fee in the form of cash, credit card, business check, or guaranteed remittance to the Department of Revenue. The Department may accept payment of the license fee under this Section by credit card only if the Department is not required to pay a discount fee charged by the credit card issuer. The license fee payment form and the actual license fee payment shall be administered by the Department of Revenue under rules adopted by that Department.

(f) The Department of Revenue shall issue a proof of payment receipt to each operator of a drycleaning facility who has paid the appropriate fee in cash or by guaranteed remittance, credit card, or business check. However, the Department of Revenue shall not issue a proof of payment receipt to a drycleaning facility that is liable to the Department of Revenue for a tax imposed under this Act. The original receipt shall be presented to the Council by the operator of a drycleaning facility.

(g) (Blank).

(h) The Board ~~Council~~ and the Department of Revenue may adopt rules as necessary to administer the licensing requirements of this Act.

(Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11; 97-377, eff. 1-1-12; 97-663, eff. 1-13-12; 97-813, eff. 7-13-12; 97-1057, eff. 1-1-13.)

(415 ILCS 135/65)

(Section scheduled to be repealed on January 1, 2020)

Sec. 65. Drycleaning solvent tax.

(a) A ~~On and after January 1, 1998, a~~ tax is imposed upon the use of drycleaning solvent by a person engaged in the business of operating a drycleaning facility in this State at the rate of $10 ~~$3.50~~ per gallon of perchloroethylene or other chlorinated drycleaning solvents used in drycleaning operations, $2 ~~$0.35~~ per gallon of petroleum-based drycleaning solvent, and $1.75 per gallon of green solvents, unless the green solvent is used at a virgin facility, in which case the rate is $0.35 per gallon. The Board may ~~Council shall~~ determine by rule which products are chlorine-based solvents, which products are petroleum-based solvents, and which products are green solvents. All drycleaning solvents shall be considered chlorinated solvents unless the Board ~~Council~~ determines that the solvents are petroleum-based drycleaning solvents or green solvents.

(b) The tax imposed by this Act shall be collected from the purchaser at the time of sale by a seller of drycleaning solvents maintaining a place of business in this State and shall be remitted to the Department of Revenue under the provisions of this Act.

(c) The tax imposed by this Act that is not collected by a seller of drycleaning solvents shall be paid directly to the Department of Revenue by the purchaser or end user who is subject to the tax imposed by this Act.

(d) No tax shall be imposed upon the use of drycleaning solvent if the drycleaning solvent will not be used in a drycleaning facility or if a floor stock tax has been imposed and paid on the drycleaning solvent. Prior to the purchase of the solvent, the purchaser shall provide a written and signed certificate to the drycleaning solvent seller stating:

(1) the name and address of the purchaser;

(2) the purchaser's signature and date of signing; and

(3) one of the following:

(A) that the drycleaning solvent will not be used in a drycleaning facility; or

(B) that a floor stock tax has been imposed and paid on the drycleaning solvent.

(e) On January 1, 1998, there is imposed on each operator of a drycleaning facility a tax on drycleaning solvent held by the operator on that date for use in a drycleaning facility. The tax imposed shall be the tax that would have been imposed under subsection (a) if the drycleaning solvent held by the operator on that date had been purchased by the operator during the first year of this Act.

(f) On or before the 25th day of the 1st month following the end of the calendar quarter, a seller of drycleaning solvents who has collected a tax pursuant to this Section during the previous calendar quarter, or a purchaser or end user of drycleaning solvents required under subsection (c) to submit the tax directly to the Department, shall file a return with the Department of Revenue. The return shall be filed on a form prescribed by the Department of Revenue and shall contain information that the Department of Revenue reasonably requires, but at a minimum will require the reporting of the volume of drycleaning solvent sold to each licensed drycleaner. The Department of Revenue shall report quarterly to the Agency ~~Council~~ the

volume of drycleaning solvent purchased for the quarter by each licensed drycleaner. Each seller of drycleaning solvent maintaining a place of business in this State who is required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of the tax at the time when he or she is required to file his or her return for the period during which the tax was collected. Purchasers or end users remitting the tax directly to the Department under subsection (c) shall file a return with the Department of Revenue and pay the tax so incurred by the purchaser or end user during the preceding calendar quarter.

Except as provided in this Section, the seller of drycleaning solvents filing the return under this Section shall, at the time of filing the return, pay to the Department the amount of tax imposed by this Act less a discount of 1.75%, or $5 per calendar year, whichever is greater. Failure to timely file the returns and provide to the Department the data requested under this Act will result in disallowance of the reimbursement discount.

(g) The tax on drycleaning solvents used in drycleaning facilities and the floor stock tax shall be administered by Department of Revenue under rules adopted by that Department.

(h) No ~~On and after January 1, 1998, no~~ person shall knowingly sell or transfer drycleaning solvent to an operator of a drycleaning facility that is not licensed by the Agency ~~Council~~ under Section 60.

(i) The Department of Revenue may adopt rules as necessary to implement this Section.

(j) If any payment provided for in this Section exceeds the seller's liabilities under this Act, as shown on an original return, the seller may credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the seller, the seller's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and the seller shall be liable for penalties and interest on such difference.

(Source: P.A. 100-1171, eff. 1-4-19.)

(415 ILCS 135/69)

Sec. 69. Civil penalties.

(a) Except as otherwise provided in this Section, any person who violates any provision of this Act, ~~or~~ any rule adopted under this Act ~~regulation adopted by the Council~~, or any license or registration or term or condition thereof, or that violates any Council, Board, or court order entered ~~of the Council~~ under this Act, shall be liable for a civil penalty as provided in this Section. The penalties may, upon order of the Board ~~the Council~~ or a court of competent jurisdiction, be made payable to the Drycleaner Environmental Response Trust Fund, to be used in accordance with the provisions of this ~~the Drycleaner Environmental Response Trust Fund~~ Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person who violates subsection (a) of Section 60 of this Act by failing to pay the license fee when due may be assessed a civil penalty of $5 per day for each day after the license fee is due until the license fee is paid. The penalty shall be effective for license fees due on or after July 1, 1999 and before June 30, 2011. For license fees due on or after July 1, 2011, any person who violates subsection (a) of Section 60 of this Act by failing to pay the license fee when due may be assessed a civil penalty, beginning on the 31st day after the license fee is due, in the following amounts: (i) beginning on the 31st day after the license fee is due and until the 60th day after the license fee is due, $3 for each day during which the license fee is not paid and (ii) beginning on the 61st day after the license fee is due and until the license fee is paid, $5 for each day during which the license fee is not paid.

(2) Any person who violates subsection (d) or (h) of Section 65 of this Act shall be liable for a civil penalty not to exceed $500 for the first violation and a civil penalty not to exceed $5,000 for a second or subsequent violation.

(3) Any person who violates Section 67 of this Act shall be liable for a civil penalty not to exceed $100 per day for each day the person is not registered to sell drycleaning solvents.

(4) Any person that violates subsection (k) of Section 40 of this Act may be assessed a civil penalty in an amount equal to 3 times the total in administrative assessments owed by that person under that subsection.

(c) (Blank). ~~The Council shall issue an administrative assessment setting forth any penalties it imposes under subsection (b) of this Section and shall serve notice of the assessment upon the party assessed. The Council's determination shall be deemed correct and shall serve as evidence of the correctness of the Council's determination that a penalty is due. Proof of a determination by the Council may be made at any administrative hearing or in any legal proceeding by a reproduced copy or computer print-out of the Council's record relating thereto in the name of the Council under the certificate of the Council.~~

~~If reproduced copies of the Council's records are offered as proof of a penalty assessment, the Council must certify that those copies are true and exact copies of records on file with the Council. If computer print-outs of the Council's records are offered as proof of a determination, the Council Chairman must certify that those computer print-outs are true and exact representations of records properly entered into standard electronic computing equipment, in the regular course of the Council's business, at or reasonably near the time of the occurrence of the facts recorded, from trustworthy and reliable information. A certified reproduced copy or certified computer print-out shall, without further proof, be admitted into evidence in any administrative or legal proceeding and is prima facie proof of the correctness of the Council's determination.~~

~~Whenever notice is required by this Section, the notice may be given by United States registered or certified mail, addressed to the person concerned at his last known address, and proof of mailing shall be sufficient for the purposes of this Act. Notice of any hearing provided for by this Act shall be given not less than 7 days before the day fixed for the hearing. Following the initial contact of a person represented by an attorney, the Council shall not contact that person but shall only contact the attorney representing that person.~~

(d) The penalties provided for in this Section may be recovered in a civil action instituted by the Attorney General in the name of the people of the State of Illinois.

(e) The Attorney General may also, at the request of the Agency or the Department of Revenue, ~~Council~~ or on his or her own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any license or registration or term or condition of a license or registration, or any Council , Board, or court order entered pursuant to this Act, or to require other actions as may be necessary to address violations thereof.

(f) Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board ~~the Council,~~ or a court of competent jurisdiction~~,~~ may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the Attorney General in a case where the Attorney General has prevailed against a person who has committed a willful, knowing, or repeated violation of this Act, any rule or regulation adopted under this Act, or any license or registration or term or condition of a license or registration, or any Council, Board, or court order entered pursuant to this Act. Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Drycleaner Environmental Response Trust Fund created in Section 10 of this Act.

(g) All final orders imposing civil penalties under this Section shall prescribe the time for payment of the penalties. If any penalty is not paid within the time prescribed, interest on the penalty shall be paid, at the rate set forth in Section 3-2 of the Illinois Uniform Penalty and Interest Act, for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during the stay.

(Source: P.A. 96-774, eff. 1-1-10; 97-332, eff. 8-12-11.)

(415 ILCS 135/69.5 new)

Sec. 69.5. Criminal penalties. In addition to all other civil and criminal penalties provided by law, any person who knowingly makes to the Agency or Department of Revenue an oral or written statement that is false, fictitious, or fraudulent and that is materially related to or required by this Act or a rule adopted under this Act commits a Class 4 felony, and each such statement or writing shall be considered a separate Class 4 felony. A person who, after being convicted under this Section, violates this Section a second or subsequent time commits a Class 3 felony.

(415 ILCS 135/77 new)

Sec. 77. Review of final decisions.

(a) All final Agency decisions made pursuant to this Act shall be subject to review in the manner provided for the review of permit decisions under Section 40 of the Environmental Protection Act.

(b) Final administrative decisions made under this Act on or before the effective date of this Section by the Council, the Administrator of the Fund, or an administrative law judge of the Council are subject to review in accordance with the law in effect at the time of the decision, except that (i) the Director of the Agency shall conduct reviews to be performed by the Administrator of the Fund and (ii) the review of decisions of the Council and decisions of administrative law judges of the Council shall be conducted in accordance with the Administrative Review Law.

Section 15. The Drycleaner Environmental Response Trust Fund Act is amended by adding Sections 12 and 31 and changing Sections 45 and 85 as follows:

(415 ILCS 135/12 new)

Sec. 12. Transfer of Council functions to the Agency.

(a) On July 1, 2020, the Council is abolished, and, except as otherwise provided in this Section, all powers, duties, rights, and responsibilities of the Council are transferred to the Agency. On and after that date, all of the general powers necessary and convenient to implement and administer this Act are, except as otherwise provided in this Section, hereby vested in and may be exercised by the Agency, including, but not limited to, the powers described in Section 25 of this Act.

(b) No later than June 30, 2020, the Administrator of the Fund shall prepare on behalf of the Council and deliver to the Agency a report that lists:

(1) the name, address, and telephone number of each claimant who timely filed an application for remedial action account benefits by June 30, 2005, and is eligible for reimbursement from the Fund under Section 40 of this Act for costs of remediation of a release of drycleaning solvents from a drycleaning facility;

(2) the address of the drycleaning facility where the release occurred and the names, addresses, and telephone numbers of the owners and operators of the facility, as well as whether the drycleaning facility was an active or inactive drycleaning facility at the time that person applied for remedial action benefits under Section 40 of this Act;

(3) the deductible that applies with respect to the release at the facility and the amount of the deductible that has been satisfied;

(4) the total amount that has been reimbursed from the Fund for the release at the facility;

(5) costs approved for reimbursement from the Fund on or before June 30, 2020, but which have not been reimbursed from the Fund, for the release at the facility;

(6) for each year during which insurance coverage was provided under this Act, the name, address, and telephone number of each person who obtained coverage and the names and addresses of the drycleaning facilities for which that person obtained coverage;

(7) the sites for which site investigations required under subsection (d) of Section 45 have been deemed adequate by the Council;

(8) the insurance claims under Section 45 of this Act that are pending; and

(9) the appeals under this Act that are pending.

(c) No later than June 30, 2020, all books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the Agency, regardless of whether they are in the possession of the Council, an independent contractor who serves as Administrator of the Fund, or any other person.

(d) At the direction of the Governor or on July 1, 2020, whichever is earlier, all unexpended appropriations and balances and other funds available for use by the Council, as determined by the Director of the Governor's Office of Management and Budget, shall be transferred for use by the Agency in accordance with this Act, regardless of whether they are in the possession of the Council, an independent contractor who serves as Administrator of the Fund, or any other person. Unexpended balances so transferred shall be expended by the Agency only for the purpose for which the appropriations were originally made.

(e) The transfer of powers, duties, rights, and responsibilities pursuant to this amendatory Act of the 101st General Assembly does not affect any act done, ratified, or canceled or any right accruing or established or any action or proceeding had or commenced by the Council or the Administrator of the Fund before July 1, 2020; such actions may be prosecuted and continued by the Attorney General.

(f) Whenever reports or notices are required to be made or given or papers or documents furnished or served by any person to or upon the Council or the Administrator of the Fund in connection with any of the powers, duties, rights, or responsibilities transferred by this amendatory Act of the 101st General Assembly to the Agency, the same shall be made, given, furnished, or served in the same manner to or upon the Agency.

(g) All rules duly adopted by the Council before July 1, 2020 shall become rules of the Board on July 1, 2020, and beginning on that date, the Agency is authorized to propose to the Board for adoption, and the Board may adopt, amendments to the transferred rules, as well as new rules, for carrying out, administering, and enforcing the provisions of this Act.

(h) In addition to the rules described above, the Board is hereby authorized to adopt rules establishing minimum continuing education and compliance program requirements for owners and operators of active drycleaning facilities. Board rules establishing minimum continuing education requirements shall, among other things, identify the minimum number of continuing education credits that must be obtained and describe the specific subjects to be covered in continuing education programs. Board rules establishing minimum compliance program requirements shall, among other things, identify the type of inspections

that must be conducted. The rules adopted by the Board under this subsection (h) may also provide an exemption from continuing education requirements for persons who have, for at least 10 consecutive years on or after January 1, 2009, owned or operated a drying facility licensed under this Act.

(i) For the purposes of the Successor Agency Act and Section 9b of the State Finance Act, the Agency is the successor to the Council beginning July 1, 2020.

(415 ILCS 135/31 new)

Sec. 31. Prohibition on renewal of contract with Fund Administrator. On and after the effective date of this amendatory Act of the 101st General Assembly, the Council shall not enter into or renew any contract or agreement with a person to act as the Administrator of the Fund for a term that extends beyond June 30, 2020.

(415 ILCS 135/45)

Sec. 45. Insurance account.

(a) The insurance account shall offer financial assurance for a qualified owner or operator of a drycleaning facility under the terms and conditions provided for under this Section. Coverage may be provided to either the owner or the operator of a drycleaning facility. Neither the Agency nor the ~~The~~ Council is ~~not~~ required to resolve whether the owner or operator, or both, are responsible for a release under the terms of an agreement between the owner and operator.

(b) The source of funds for the insurance account shall be as follows:

(1) ~~Moneys appropriated to the Council or~~ moneys allocated to the insurance account ; ~~by the Council according to the Fund budget approved by the Council.~~

(2) moneys ~~Moneys~~ collected as an insurance premium, including service fees, if any ; and ~~.~~

(3) investment ~~Investment~~ income attributed to the insurance account ~~by the Council~~.

(c) An owner or operator may purchase coverage of up to $500,000 per drycleaning facility subject to the terms and conditions under this Section and those adopted by the Council before July 1, 2020 or by the Board on or after that date. Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility, including third-party liability for soil and groundwater contamination. Coverage is not provided for a release that occurred before the date of coverage.

(d) An owner or operator, subject to underwriting requirements and terms and conditions deemed necessary and convenient by the Council for periods before July 1, 2020 and subject to terms and conditions deemed necessary and convenient by the Board for periods on or after that date, may purchase insurance coverage from the insurance account provided that ~~the drycleaning facility to be insured meets the following conditions~~:

(1) a site investigation designed to identify soil and groundwater contamination resulting from the release of a drycleaning solvent has been completed for the drycleaning facility to be insured and the site investigation has been found adequate by the Council before July 1, 2020 or by the Agency on or after that date ~~. The Council shall determine if the site investigation is adequate. This investigation must be completed by June 30, 2006. For drycleaning facilities that apply for insurance coverage after June 30, 2006, the site investigation must be completed prior to issuance of insurance coverage~~; and

(2) the drycleaning facility is participating in and meets all ~~requirements of a~~ drycleaning compliance program requirements adopted by the Board pursuant Section 12 of the Drycleaner Environmental Response Trust Fund Act ~~approved by the Council~~.

(3) the drycleaning facility to be insured is licensed under Section 60 of this Act and all fees due under that Section have been paid;

(4) the owner or operator of the drycleaning facility to be insured provides proof to the Agency or Council that:

(A) all drycleaning solvent wastes generated at the facility are managed in accordance with applicable State waste management laws and rules;

(B) there is no discharge of wastewater from drycleaning machines, or of drycleaning solvent from drycleaning operations, to a sanitary sewer or septic tank, to the surface, or in groundwater;

(C) the facility has a containment dike or other containment structure around each machine, item of equipment, drycleaning area, and portable waste container in which any drycleaning solvent is utilized, that is capable of containing leaks, spills, or releases of drycleaning solvent from that machine, item, area, or container, including: (i) 100% of the drycleaning solvent in the largest tank or vessel; (ii) 100% of the drycleaning solvent of each item of drycleaning equipment; and (iii) 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers stored within the containment dike or structure, whichever is greater;

(D) those portions of diked floor surfaces at the facility on which a drycleaning solvent may leak, spill, or otherwise be released are sealed or otherwise rendered impervious;

(E) all drycleaning solvent is delivered to the facility by means of closed, direct-coupled delivery systems; and

(F) the drycleaning facility is in compliance with paragraph (2) of subsection (d) of this Section; and

(5) the owner or operator of the drycleaning facility to be insured has paid all insurance premiums for insurance coverage provided under this Section.

Petroleum underground storage tank systems that are in compliance with applicable USEPA and State Fire Marshal rules, including, but not limited to, leak detection system rules, are exempt from the secondary containment requirement in subparagraph (C) of paragraph (3) of this subsection (d).

(e) The annual premium for insurance coverage shall be:

(1) For the year July 1, 1999 through June 30, 2000, $250 per drycleaning facility.

(2) For the year July 1, 2000 through June 30, 2001, $375 per drycleaning facility.

(3) For the year July 1, 2001 through June 30, 2002, $500 per drycleaning facility.

(4) For the year July 1, 2002 through June 30, 2003, $625 per drycleaning facility.

(5) For subsequent years, an owner or operator applying for coverage shall pay an annual actuarially-sound insurance premium for coverage by the insurance account. The Council may approve Fund coverage through the payment of a premium established on an actuarially-sound basis, taking into consideration the risk to the insurance account presented by the insured. Risk factor adjustments utilized to determine actuarially-sound insurance premiums should reflect the range of risk presented by the variety of drycleaning systems, monitoring systems, drycleaning volume, risk management practices, and other factors as determined by the Council. As used in this item, "actuarially sound" is not limited to Fund premium revenue equaling or exceeding Fund expenditures for the general drycleaning facility population. Actuarially-determined premiums shall be published at least 180 days prior to the premiums becoming effective.

(6) For the year July 1, 2020 through June 30, 2021, and for subsequent years through June 30, 2029, $1,500 per drycleaning facility per year.

(7) For July 1, 2029 through January 1, 2030, $750 per drycleaning facility.

(e-5) (Blank). ~~If an insurer sends a second notice to an owner or operator demanding immediate payment of a past-due premium for insurance services provided pursuant to this Act, the demand for payment must offer a grace period of not less than 30 days during which the owner or operator shall be allowed to pay any premiums due. If payment is made during that period, coverage under this Act shall not be terminated for non-payment by the insurer.~~

(e-6) (Blank). ~~If an insurer terminates an owner or operator's coverage under this Act, the insurer must send a written notice to the owner or operator to inform him or her of the termination of that coverage, and that notice must include instructions on how to seek reinstatement of coverage, as well as information concerning any premiums or penalties that might be due.~~

(f) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium. The insurance premium is fully earned upon issuance of the insurance policy.

(g) Any ~~The~~ insurance coverage provided under this Section shall be subject to ~~provided with~~ a $10,000 deductible ~~policy~~.

(h) A future repeal of this Section shall not terminate the obligations under this Section or authority necessary to administer the obligations until the obligations are satisfied, including but not limited to the payment of claims filed prior to the effective date of any future repeal against the insurance account until moneys in the account are exhausted. Upon exhaustion of the moneys in the account, any remaining claims shall be invalid. If moneys remain in the account following satisfaction of the obligations under this Section, the remaining moneys and moneys due the account shall be deposited in the remedial action account ~~used to assist current insureds to obtain a viable insuring mechanism as determined by the Council after public notice and opportunity for comment~~.

(Source: P.A. 98-327, eff. 8-13-13.)

(415 ILCS 135/85)

Sec. 85. Repeal of fee and tax provisions. Sections 60 and 65 of this Act are repealed on January 1, 2030 ~~2020~~.

(Source: P.A. 93-201, eff. 1-1-04.)

(415 ILCS 135/15 rep.) (415 ILCS 135/20 rep.) (415 ILCS 135/30 rep.) (415 ILCS 135/75 rep.) (415 ILCS 135/80 rep.)

Section 20. The Drycleaner Environmental Response Trust Fund Act is amended by repealing Sections 15, 20, 30, 75, and 80.

Section 99. Effective date. This Act takes effect July 1, 2020.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 171** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 3.

The following voted in the affirmative:

Anderson	DeWitte	Landek	Rezin
Aquino	Ellman	Lightford	Sandoval
Barickman	Fine	Link	Schimpf
Belt	Fowler	Manar	Sims
Bennett	Glowiak	Martinez	Steans
Bertino-Tarrant	Harmon	McConchie	Tracy
Brady	Hastings	McGuire	Van Pelt
Bush	Holmes	Morrison	Villivalam
Collins	Hunter	Mulroe	Weaver
Crowe	Hutchinson	Muñoz	Wilcox
Cullerton, T.	Jones, E.	Oberweis	Mr. President
Cunningham	Koehler	Peters	

The following voted in the negative:

Plummer
Righter
Stewart

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Mulroe, **Senate Bill No. 664** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was withdrawn by the sponsor.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 664

AMENDMENT NO. _2_. Amend Senate Bill 664 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Tobacco Products Compliance Act.

Section 5. Definitions. As used in this Act:

"Person" means any individual, corporation, partnership, firm, organization or association.

"Tobacco product" means any product made or derived from tobacco, any product containing tobacco, or any product intended for or traditionally used with tobacco, including papers, wraps, tubes, and filters. A product of a type that has, in the past, been used in conjunction with tobacco or nicotine use will be deemed a "tobacco product" regardless of any labeling or descriptive language on such product stating that the product is not intended for use with tobacco or for non-tobacco use only or other similar language.

Section 10. Compliance reports. Any person who manufactures any tobacco product in the State for distribution or sale in the United States shall be required to provide annually, by June 1, 2020 and by June 1 of each year thereafter, a written certification, including supporting evidence and documentation, of such person's compliance with Sections 903, 904, 905, and 920 of the federal Family Smoking Prevention and Tobacco Control Act to the Illinois Department of Public Health. Such person will also be required to provide, for each tobacco product manufactured, sold, or distributed by the person (including all tobacco products manufactured in the State by the person and all other tobacco products sold or distributed by the person) written evidence and documentation that each such tobacco product, as required by the Tobacco Control Act, is one of the following: (i) "grandfathered" (that is, first introduced into interstate commerce for commercial distribution in the United States on or before February 15, 2007); (ii) "provisional" (that is, first introduced into interstate commerce for commercial distribution in the United States between February 15, 2007 and March 22, 2011, and for which a substantial equivalence report was submitted to the FDA by March 22, 2011); or (iii) determined to be "substantially equivalent" (that is, is the subject of a marketing authorization order from the FDA after review of a premarket submission intended to demonstrate substantial equivalence).

Section 15. Private right of action. To enforce against a violation of the Act or any rule adopted under this Act by any local government or political subdivision as described in this Act, any interested party may file suit in circuit court in the county where the alleged violation occurred or where any person who is a party to the action resides. Actions may be brought by one or more persons for and on behalf of themselves and other persons similarly situated. If the interested party prevails in its enforcement action, it will be entitled to recover damages of 3 times its attorney's fees and costs, and, in addition, the court or other adjudicating body, at its discretion, may assess punitive damages for any wanton or flagrant violation of the law.

Section 20. Rulemaking. The Department of Public Health shall adopt rules for the administration and enforcement of this Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 664** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 58; NAYS None.

The following voted in the affirmative:

Anderson	Ellman	Manar	Sandoval
Aquino	Fine	Martinez	Schimpf
Barickman	Fowler	McClure	Sims
Belt	Gillespie	McConchie	Stadelman
Bennett	Glowiak	McGuire	Steans

Bertino-Tarrant	Harmon	Morrison	Stewart
Brady	Hastings	Mulroe	Syverson
Bush	Holmes	Muñoz	Tracy
Castro	Hunter	Murphy	Van Pelt
Collins	Hutchinson	Oberweis	Villivalam
Crowe	Jones, E.	Peters	Weaver
Cullerton, T.	Koehler	Plummer	Wilcox
Cunningham	Landek	Rezin	Mr. President
Curran	Lightford	Righter	
DeWitte	Link	Rose	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

At the hour of 1:18 o'clock p.m., Senator Muñoz, presiding.

SENATE BILL RECALLED

On motion of Senator T. Cullerton, **Senate Bill No. 1839** was recalled from the order of third reading to the order of second reading.

Senator T. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1839

AMENDMENT NO. 2. Amend Senate Bill 1839, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 3. The Pharmacy Practice Act is amended by changing Section 4 as follows:

(225 ILCS 85/4) (from Ch. 111, par. 4124)

(Section scheduled to be repealed on January 1, 2020)

Sec. 4. Exemptions. Nothing contained in any Section of this Act shall apply to, or in any manner interfere with:

(a) the lawful practice of any physician licensed to practice medicine in all of its branches, dentist, podiatric physician, veterinarian, or therapeutically or diagnostically certified optometrist within the limits of his or her license, or prevent him or her from supplying to his or her bona fide patients such drugs, medicines, or poisons as may seem to him appropriate;

(b) the sale of compressed gases;

(c) the sale of patent or proprietary medicines and household remedies when sold in original and unbroken packages only, if such patent or proprietary medicines and household remedies be properly and adequately labeled as to content and usage and generally considered and accepted as harmless and nonpoisonous when used according to the directions on the label, and also do not contain opium or coca leaves, or any compound, salt or derivative thereof, or any drug which, according to the latest editions of the following authoritative pharmaceutical treatises and standards, namely, The United States Pharmacopoeia/National Formulary (USP/NF), the United States Dispensatory, and the Accepted Dental Remedies of the Council of Dental Therapeutics of the American Dental Association or any or either of them, in use on the effective date of this Act, or according to the existing provisions of the Federal Food, Drug, and Cosmetic Act and Regulations of the Department of Health and Human Services, Food and Drug Administration, promulgated thereunder now in effect, is designated, described or considered as a narcotic, hypnotic, habit forming, dangerous, or poisonous drug;

(d) the sale of poultry and livestock remedies in original and unbroken packages only, labeled for poultry and livestock medication;

(e) the sale of poisonous substances or mixture of poisonous substances, in unbroken packages, for nonmedicinal use in the arts or industries or for insecticide purposes; provided, they are properly and adequately labeled as to content and such nonmedicinal usage, in conformity with the provisions of all applicable federal, state and local laws and regulations promulgated thereunder now in effect relating thereto and governing the same, and those which are required under such applicable laws

and regulations to be labeled with the word "Poison", are also labeled with the word "Poison" printed thereon in prominent type and the name of a readily obtainable antidote with directions for its administration;

(f) the delegation of limited prescriptive authority by a physician licensed to practice medicine in all its branches to a physician assistant under Section 7.5 of the Physician Assistant Practice Act of 1987. This delegated authority under Section 7.5 of the Physician Assistant Practice Act of 1987 may, but is not required to, include prescription of controlled substances, as defined in Article II of the Illinois Controlled Substances Act, in accordance with a written supervision agreement;

(g) the delegation of prescriptive authority by a physician licensed to practice medicine in all its branches or a licensed podiatric physician to an advanced practice registered nurse in accordance with a written collaborative agreement under Sections 65-35 and 65-40 of the Nurse Practice Act; and

(h) the sale or distribution of dialysate or devices necessary to perform home peritoneal renal dialysis for patients with end-stage renal disease, provided that all of the following conditions are met:

(1) the dialysate, comprised of dextrose or icodextrin, or devices are approved or cleared by the federal Food and Drug Administration, as required by federal law;

(2) the dialysate or devices are lawfully held by a manufacturer or the manufacturer's agent, which is properly registered with the Board as a manufacturer, third-party logistics provider, or wholesaler;

(3) the dialysate or devices are held and delivered to the manufacturer or the manufacturer's agent in the original, sealed packaging from the manufacturing facility;

(4) the dialysate or devices are delivered only upon receipt of a physician's prescription by a licensed pharmacy in which the prescription is processed in accordance with provisions set forth in this Act, and the transmittal of an order from the licensed pharmacy to the manufacturer or the manufacturer's agent; and

(5) the manufacturer or the manufacturer's agent delivers the dialysate or devices directly to: (i) a patient with end-stage renal disease, or his or her designee, for the patient's self-administration of the dialysis therapy or (ii) a health care provider or institution for administration or delivery of the dialysis therapy to a patient with end-stage renal disease.

This paragraph (h) does not include any other drugs for peritoneal dialysis, except dialysate, as described in item (1) of this paragraph (h). All records of sales and distribution of dialysate to patients made pursuant to this paragraph (h) must be retained in accordance with Section 18 of this Act.

(Source: P.A. 100-218, eff. 8-18-17; 100-513, eff. 1-1-18; 100-863, eff. 8-14-18.)

Section 10. The Wholesale Drug Distribution Licensing Act is amended by changing Sections 15, 20, 26, 30, 35, 40, 57, 80, and 155 and by adding Section 25.5 as follows:

(225 ILCS 120/15) (from Ch. 111, par. 8301-15)

(Section scheduled to be repealed on January 1, 2023)

Sec. 15. Definitions. As used in this Act:

"Authentication" means the affirmative verification, before any wholesale distribution of a prescription drug occurs, that each transaction listed on the pedigree has occurred.

"Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between a wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in Section 1504 of the Internal Revenue Code, complies with the following:

(1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing the ongoing relationship; and

(2) The wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

"Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

"Blood component" means that part of blood separated by physical or mechanical means.

"Board" means the State Board of Pharmacy of the Department of Professional Regulation.

"Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of the drugs to a group of chain or mail order

pharmacies that have the same common ownership and control. Notwithstanding any other provision of this Act, a chain pharmacy warehouse shall be considered part of the normal distribution channel.

"Co-licensed partner or product" means an instance where one or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the FDA's implementation of the Prescription Drug Marketing Act.

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

"Drop shipment" means the sale of a prescription drug to a wholesale distributor by the manufacturer of the prescription drug or that manufacturer's co-licensed product partner, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or by an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities whereby the wholesale distributor or chain pharmacy warehouse takes title but not physical possession of such prescription drug and the wholesale distributor invoices the pharmacy, chain pharmacy warehouse, or other person authorized by law to dispense or administer such drug to a patient and the pharmacy, chain pharmacy warehouse, or other authorized person receives delivery of the prescription drug directly from the manufacturer, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor or from an authorized distributor of record that purchased the product directly from the manufacturer or one of these entities.

"Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

"Facility" means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged, or offered for sale, or a facility of a third-party logistics provider where prescription drugs are stored or handled.

"FDA" means the United States Food and Drug Administration.

"Manufacturer" means a person licensed or approved by the FDA to engage in the manufacture of drugs or devices, consistent with the definition of "manufacturer" set forth in the FDA's regulations and guidances implementing the Prescription Drug Marketing Act.

"Manufacturer's exclusive distributor" means anyone who contracts with a manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug. A manufacturer's exclusive distributor must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.

"Normal distribution channel" means a chain of custody for a prescription drug that goes, directly or by drop shipment, from (i) a manufacturer of the prescription drug, (ii) that manufacturer to that manufacturer's co-licensed partner, (iii) that manufacturer to that manufacturer's third party logistics provider, or (iv) that manufacturer to that manufacturer's exclusive distributor to:

(1) a pharmacy or to other designated persons authorized by law to dispense or administer the drug to a patient;

(2) a wholesale distributor to a pharmacy or other designated persons authorized by law to dispense or administer the drug to a patient;

(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer the drug to a patient;

(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy or other designated persons authorized by law to dispense or administer the drug to the patient;

(5) an authorized distributor of record to one other authorized distributor of record to an office-based health care practitioner authorized by law to dispense or administer the drug to the patient; or

(6) an authorized distributor to a pharmacy or other persons licensed to dispense or administer the drug.

"Pedigree" means a document or electronic file containing information that records each wholesale distribution of any given prescription drug from the point of origin to the final wholesale distribution point of any given prescription drug.

"Person" means and includes a natural person, partnership, association, corporation, or any other legal business entity.

"Pharmacy distributor" means any pharmacy licensed in this State or hospital pharmacy that is engaged in the delivery or distribution of prescription drugs either to any other pharmacy licensed in this State or to any other person or entity including, but not limited to, a wholesale drug distributor engaged in the delivery or distribution of prescription drugs who is involved in the actual, constructive, or attempted

transfer of a drug in this State to other than the ultimate consumer except as otherwise provided for by law.

"Prescription drug" means any human drug, including any biological product (except for blood and blood components intended for transfusion or biological products that are also medical devices), required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances subject to Section 503 of the Federal Food, Drug and Cosmetic Act.

"Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist responsible for dispensing the product to a patient.

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

"Third-party ~~Third party~~ logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution, or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition. ~~A third party logistics provider must be licensed as a wholesale distributor under this Act and, in order to be considered part of the normal distribution channel, must also be an authorized distributor of record.~~

"Wholesale distribution" means the distribution of prescription drugs to persons other than a consumer or patient, but does not include any of the following:

(1) Intracompany sales of prescription drugs, meaning (i) any transaction or transfer between any division, subsidiary, parent, or affiliated or related company under the common ownership and control of a corporate entity or (ii) any transaction or transfer between co-licensees of a co-licensed product.

(2) The sale, purchase, distribution, trade, or transfer of a prescription drug or offer to sell, purchase, distribute, trade, or transfer a prescription drug for emergency medical reasons.

(3) The distribution of prescription drug samples by manufacturers' representatives.

(4) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with federal regulation.

(5) The sale of minimal quantities of prescription drugs by licensed pharmacies to licensed practitioners for office use or other licensed pharmacies.

(6) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription.

(7) The sale, transfer, merger, or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(8) The sale, purchase, distribution, trade, or transfer of a prescription drug from one authorized distributor of record to one additional authorized distributor of record when the manufacturer has stated in writing to the receiving authorized distributor of record that the manufacturer is unable to supply the prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had until that time been exclusively in the normal distribution channel.

(9) The delivery of or the offer to deliver a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs when the common carrier does not store, warehouse, or take legal ownership of the prescription drug.

(10) The sale or transfer from a retail pharmacy, mail order pharmacy, or chain pharmacy warehouse of expired, damaged, returned, or recalled prescription drugs to the original manufacturer, the originating wholesale distributor, or a third party returns processor.

"Wholesale drug distributor" means anyone engaged in the wholesale distribution of prescription drugs into, out of, or within the State, including without limitation manufacturers; repackers; own label distributors; jobbers; private label distributors; brokers; warehouses, including manufacturers' and distributors' warehouses; manufacturer's exclusive distributors; and authorized distributors of record; drug wholesalers or distributors; independent wholesale drug traders; specialty wholesale distributors; ~~third party logistics providers;~~ and retail pharmacies that conduct wholesale distribution; and chain pharmacy warehouses that conduct wholesale distribution. In order to be considered part of the normal distribution channel, a wholesale distributor must also be an authorized distributor of record.

(Source: P.A. 97-804, eff. 1-1-13.)

(225 ILCS 120/20) (from Ch. 111, par. 8301-20)

(Section scheduled to be repealed on January 1, 2023)

Sec. 20. Prohibited drug purchases or receipt. It shall be unlawful for any person or entity located in this State to knowingly receive any prescription drug from any source other than a person or entity required by the laws of this State to be licensed to ship into, out of, or within this State. A person or entity licensed

under the laws of this State shall include, but is not limited to, a wholesale distributor, manufacturer, third-party logistics provider, pharmacy distributor, or pharmacy. Any person violating this Section shall, upon conviction, be adjudged guilty of a Class C misdemeanor. A second violation shall constitute a Class 4 felony.

(Source: P.A. 97-804, eff. 1-1-13.)

(225 ILCS 120/25.5 new)

Sec. 25.5. Third-party logistics providers.

(a) Each resident third-party logistics provider must be licensed by the Department, and every non-resident third-party logistics provider must be licensed in this State, in accordance with this Act, prior to shipping a prescription drug into this State.

(b) The Department shall require, without limitation, all of the following information from each applicant for licensure under this Act:

(1) The name, full business address, and telephone number of the licensee.

(2) All trade or business names used by the licensee.

(3) Addresses, telephone numbers, and the names of contact persons for all facilities used by the licensee for the storage, handling, and distribution of prescription drugs.

(4) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(5) The name of the owner or operator of the third-party logistics provider, including:

(A) if a natural person, the name of the natural person;

(B) if a partnership, the name of each partner and the name of the partnership;

(C) if a corporation, the name and title of each corporate officer and director, the corporate names, and the name of the state of incorporation; and

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(6) A list of all licenses and permits issued to the applicant by any other state that authorizes the applicant to purchase or possess prescription drugs.

(7) The name of the designated representative for the third-party logistics provider, together with the personal information statement and fingerprints, as required under subsection (c) of this Section.

(8) Minimum liability insurance and other insurance as defined by rule.

(9) Any additional information required by the Department.

(c) Each third-party logistics provider must designate an individual representative who shall serve as the contact person for the Department. This representative must provide the Department with all of the following information:

(1) Information concerning whether the person has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or State law regulating the possession, control, or distribution of prescription drugs or criminal violations, together with details concerning any such event.

(2) A description of any involvement by the person with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund, that manufactured, administered, prescribed, distributed, or stored pharmaceutical products and any lawsuits in which such businesses were named as a party.

(3) A description of any misdemeanor or felony criminal offense of which the person, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the person pled guilty or nolo contendere. If the person indicates that a criminal conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within 15 days after the disposition of the appeal, submit to the Department a copy of the final written order of disposition.

(4) The designated representative of an applicant for licensure as a third-party logistics provider shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this paragraph (4).

(d) A third-party logistics provider shall not operate from a place of residence.

(e) A third-party logistics provider facility shall be located apart and separate from any retail pharmacy licensed by the Department.

(f) The Department may not issue a third-party logistics provider license to an applicant, unless the Department first:

(1) ensures that a physical inspection of the facility satisfactory to the Department has occurred at the address provided by the applicant, as required under item (1) of subsection (b) of this Section; such inspection is not required if the resident state of the third-party logistics provider facility does not license third-party logistics providers or if the resident state does not inspect third-party logistics providers. If the resident state does not inspect third-party logistics providers, a Verified Accredited Wholesale Distributors Accreditation or other inspection approved by the Department meets this requirement; and

(2) determines that the designated representative meets each of the following qualifications:

(A) He or she is at least 21 years of age.

(B) He or she is employed by the applicant full time in a managerial level position.

(C) He or she is actively involved in and aware of the actual daily operation of third-party logistics provider.

(g) A third-party logistics provider shall publicly display all licenses and have the most recent state and federal inspection reports readily available.

(225 ILCS 120/26)

(Section scheduled to be repealed on January 1, 2023)

Sec. 26. Unlicensed practice; violation; civil penalty.

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

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

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

(Source: P.A. 97-804, eff. 1-1-13.)

(225 ILCS 120/30) (from Ch. 111, par. 8301-30)

(Section scheduled to be repealed on January 1, 2023)

Sec. 30. License renewal application procedures. Application ~~blanks~~ for renewal of any license required by this Act shall be mailed or emailed to each licensee at least 60 days before the license expires. If the application for renewal with the required fee is not received by the Department before the expiration date, the existing license shall lapse and become null and void. Failure to renew before the expiration date is cause for a late payment penalty, discipline, or both.

(Source: P.A. 87-594.)

(225 ILCS 120/35) (from Ch. 111, par. 8301-35)

(Section scheduled to be repealed on January 1, 2023)

Sec. 35. Fees; Illinois State Pharmacy Disciplinary Fund.

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

(b) All fees collected under this Act shall be deposited into the Illinois State Pharmacy Disciplinary Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

The moneys deposited into the Illinois State Pharmacy Disciplinary Fund shall be invested to earn interest which shall accrue to the Fund.

The Department shall present to the Board for its review and comment all appropriation requests from the Illinois State Pharmacy Disciplinary Fund. The Department shall give due consideration to any comments of the Board in making appropriation requests.

(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section

are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(d) The Department shall maintain a roster of the names and addresses of all registrants and of all persons whose licenses have been suspended or revoked. This roster shall be available upon written request and payment of the required fee.

(e) A manufacturer of controlled substances, ~~or~~ wholesale distributor of controlled substances , or third-party logistics provider that is licensed under this Act and owned and operated by the State is exempt from licensure, registration, renewal, and other fees required under this Act. Nothing in this subsection (e) shall be construed to prohibit the Department from imposing any fine or other penalty allowed under this Act.
(Source: P.A. 95-689, eff. 10-29-07.)

(225 ILCS 120/40) (from Ch. 111, par. 8301-40)

(Section scheduled to be repealed on January 1, 2023)

Sec. 40. Rules and regulations. The Department shall make any rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes and enforce the provisions of this Act. Rules and regulations that incorporate and set detailed standards for meeting each of the license prerequisites set forth in Section 25 of this Act shall be adopted no later than September 14, 1992. All rules and regulations promulgated under this Section shall conform to wholesale drug distributor licensing guidelines formally adopted by the FDA at 21 C.F.R. Part 205. In case of conflict between any rule or regulation adopted by the Department and any FDA wholesale drug distributor or third-party logistics provider guideline, the FDA guideline shall control.
(Source: P.A. 87-594.)

(225 ILCS 120/57)

(Section scheduled to be repealed on January 1, 2023)

Sec. 57. Pedigree.

(a) Each person who is engaged in the wholesale distribution of prescription drugs, including repackagers, but excluding the original manufacturer of the finished form of the prescription drug, that leave or have ever left the normal distribution channel shall, before each wholesale distribution of the drug, provide a pedigree to the person who receives the drug. A retail pharmacy, mail order pharmacy, or chain pharmacy warehouse must comply with the requirements of this Section only if the pharmacy or chain pharmacy warehouse engages in the wholesale distribution of prescription drugs. On or before July 1, 2009, the Department shall determine a targeted implementation date for electronic track and trace pedigree technology. This targeted implementation date shall not be sooner than July 1, 2010. Beginning on the date established by the Department, pedigrees may be implemented through an approved and readily available system that electronically tracks and traces the wholesale distribution of each prescription drug starting with the sale by the manufacturer through acquisition and sale by any wholesale distributor and until final sale to a pharmacy or other authorized person administering or dispensing the prescription drug. This electronic tracking system shall be deemed to be readily available only upon there being available a standardized system originating with the manufacturers and capable of being used on a wide scale across the entire pharmaceutical chain, including manufacturers, wholesale distributors, third-party logistics providers, and pharmacies. Consideration must also be given to the large-scale implementation of this technology across the supply chain and the technology must be proven to have no negative impact on the safety and efficacy of the pharmaceutical product.

(b) Each person who is engaged in the wholesale distribution of a prescription drug who is provided a pedigree for a prescription drug and attempts to further distribute that prescription drug, including repackagers, but excluding the original manufacturer of the finished form of the prescription drug, must affirmatively verify before any distribution of a prescription drug occurs that each transaction listed on the pedigree has occurred.

(c) The pedigree must include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer or the manufacturer's third party logistics provider, co-licensed product partner, or exclusive distributor through acquisition and sale by any wholesale

distributor or repackager, until final sale to a pharmacy or other person dispensing or administering the drug. This necessary chain of distribution information shall include, without limitation all of the following:

(1) The name, address, telephone number and, if available, the e-mail address of each owner of the prescription drug and each wholesale distributor of the prescription drug.

(2) The name and address of each location from which the product was shipped, if different from the owner's.

(3) Transaction dates.

(4) Certification that each recipient has authenticated the pedigree.

(d) The pedigree must also include without limitation all of the following information concerning the prescription drug:

(1) The name and national drug code number of the prescription drug.

(2) The dosage form and strength of the prescription drug.

(3) The size of the container.

(4) The number of containers.

(5) The lot number of the prescription drug.

(6) The name of the manufacturer of the finished dosage form.

(e) Each pedigree or electronic file shall be maintained by the purchaser and the wholesale distributor for at least 3 years from the date of sale or transfer and made available for inspection or use within 5 business days upon a request of the Department.

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

(225 ILCS 120/80) (from Ch. 111, par. 8301-80)

(Section scheduled to be repealed on January 1, 2023)

Sec. 80. Violations of Act.

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

(b) Whoever knowingly conducts business as a wholesale drug distributor or third-party logistics provider in this State without being appropriately licensed under this Act shall be guilty of a Class A misdemeanor for a first violation and for each subsequent conviction shall be guilty of a Class 4 felony.

(c) Whenever in the opinion of the Department any person not licensed in good standing under this Act violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 87-594.)

(225 ILCS 120/155) (from Ch. 111, par. 8301-155)

(Section scheduled to be repealed on January 1, 2023)

Sec. 155. Temporary suspension of license; hearing. The Director may temporarily suspend licensure as a wholesale drug distributor or third-party logistics provider, without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 85 of this Act, if the Director finds that evidence in his or her possession indicates that a continuation in business would constitute an imminent danger to the public. In the event that the Director temporarily suspends a license or certificate without a hearing, a hearing by the Department must be held within 10 days after the suspension has occurred and be concluded without appreciable delay.

(Source: P.A. 87-594.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator T. Cullerton, **Senate Bill No. 1839** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Anderson	Fine	Manar	Sandoval
Aquino	Fowler	Martinez	Schimpf
Barickman	Gillespie	McClure	Sims
Belt	Glowiak	McConchie	Stadelman
Bennett	Harmon	McGuire	Steans
Bertino-Tarrant	Harris	Morrison	Tracy
Bush	Hastings	Mulroe	Van Pelt
Castro	Holmes	Muñoz	Villivalam
Collins	Hunter	Murphy	Weaver
Crowe	Hutchinson	Oberweis	Wilcox
Cullerton, T.	Jones, E.	Peters	Mr. President
Cunningham	Koehler	Plummer	
Curran	Landek	Rezin	
DeWitte	Lightford	Righter	
Ellman	Link	Rose	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

READING CONSTITUTIONAL AMENDMENT A THIRD TIME

On motion of Senator Harmon, **Senate Joint Resolution Constitutional Amendment No. 1**, as amended, having been printed and read in full a third time on April 12, 2019, and held on the order of third reading, was again taken up.

Senator Harmon moved that Senate Joint Resolution Constitutional Amendment No. 1, as amended, be adopted.

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

YEAS 40; NAYS 19.

The following voted in the affirmative:

Aquino	Fine	Landek	Sandoval
Belt	Gillespie	Lightford	Sims
Bennett	Glowiak	Link	Stadelman
Bertino-Tarrant	Harmon	Manar	Steans
Bush	Harris	Martinez	Van Pelt
Castro	Hastings	McGuire	Villivalam
Collins	Holmes	Morrison	Mr. President
Crowe	Hunter	Mulroe	
Cullerton, T.	Hutchinson	Muñoz	
Cunningham	Jones, E.	Murphy	
Ellman	Koehler	Peters	

The following voted in the negative:

Anderson	Fowler	Rezin	Syverson
Barickman	McClure	Righter	Tracy
Brady	McConchie	Rose	Weaver
Curran	Oberweis	Schimpf	Wilcox
DeWitte	Plummer	Stewart	

The motion prevailed.

And the resolution, as amended, was adopted by a three-fifths vote.

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

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 687** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 687

AMENDMENT NO. 1. Amend Senate Bill 687 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Sections 201, 208, 502, and 901 and by adding Sections 201.1 and 229 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax imposed.

(a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 3% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 5% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 5% of the taxpayer's net income for the taxable year.

(5.1) In the case of an individual, trust, or estate, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 5% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 3.75% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(5.2) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2015, and ending prior to July 1, 2017, an amount equal to 3.75% of the taxpayer's net income for the taxable year.

(5.3) In the case of an individual, trust, or estate, for taxable years beginning prior to July 1, 2017, and ending after June 30, 2017, an amount equal to the sum of (i) 3.75% of the taxpayer's net income for the period prior to July 1, 2017, as calculated under Section 202.5, and (ii) 4.95% of the taxpayer's net income for the period after June 30, 2017, as calculated under Section 202.5.

(5.4) In the case of an individual, trust, or estate, for taxable years beginning on or after July 1, 2017 and beginning prior to January 1, 2021, an amount equal to 4.95% of the taxpayer's net income for the taxable year.

(5.5) In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2021, an amount calculated under the rate structure set forth in Section 201.1.

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, and ending prior to January 1, 2011, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(9) In the case of a corporation, for taxable years beginning prior to January 1, 2011, and ending after December 31, 2010, an amount equal to the sum of (i) 4.8% of the taxpayer's net income for the period prior to January 1, 2011, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after December 31, 2010, as calculated under Section 202.5.

(10) In the case of a corporation, for taxable years beginning on or after January 1, 2011, and ending prior to January 1, 2015, an amount equal to 7% of the taxpayer's net income for the taxable year.

(11) In the case of a corporation, for taxable years beginning prior to January 1, 2015, and ending after December 31, 2014, an amount equal to the sum of (i) 7% of the taxpayer's net income for the period prior to January 1, 2015, as calculated under Section 202.5, and (ii) 5.25% of the taxpayer's net income for the period after December 31, 2014, as calculated under Section 202.5.

(12) In the case of a corporation, for taxable years beginning on or after January 1, 2015, and ending prior to July 1, 2017, an amount equal to 5.25% of the taxpayer's net income for the taxable year.

(13) In the case of a corporation, for taxable years beginning prior to July 1, 2017, and ending after June 30, 2017, an amount equal to the sum of (i) 5.25% of the taxpayer's net income for the period prior to July 1, 2017, as calculated under Section 202.5, and (ii) 7% of the taxpayer's net income for the period after June 30, 2017, as calculated under Section 202.5.

(14) In the case of a corporation, for taxable years beginning on or after July 1, 2017 and beginning prior to January 1, 2021

, an amount equal to 7% of the taxpayer's net income for the taxable year.

(15) In the case of a corporation, for taxable years beginning on or after January 1, 2021, an amount equal to 7.99% of the taxpayer's net income for the taxable year.

The rates under this subsection (b) are subject to the provisions of Section 201.5.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled

in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003, of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax

liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing, or was placed in service on or after July 1, 2006 in a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible personal property for use or consumption and not for resale. For purposes of this subsection (e), "tangible personal property" has the same meaning as when that term is used in the Retailers' Occupation Tax Act, and, for taxable years ending after December 31, 2008, does not include the generation, transmission, or distribution of electricity.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2018, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2018.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its

partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone; River Edge Redevelopment Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act or, for property placed in service on or after July 1, 2006, a River Edge Redevelopment Zone established pursuant to the River Edge Redevelopment Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone or River Edge Redevelopment Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone or River Edge Redevelopment Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone or River Edge Redevelopment Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) There shall be allowed an additional credit equal to 0.5% of the basis of qualified property placed in service during the taxable year in a River Edge Redevelopment Zone, provided such property is placed in service on or after July 1, 2006, and the taxpayer's base employment within Illinois

has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is 0.5% and the denominator of which is 1%, but shall not exceed 0.5%.

(g) (Blank).

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Economic Opportunity designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of

qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit. For tax years ending after July 1, 1990 and prior to December 31, 2003, and beginning again for tax years ending on or after December 31, 2004, and ending prior to January 1, 2022, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which

incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit earned in a tax year ending prior to December 31, 2003 may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

It is the intent of the General Assembly that the research and development credit under this subsection (k) shall apply continuously for all tax years ending on or after December 31, 2004 and ending prior to January 1, 2022, including, but not limited to, the period beginning on January 1, 2016 and ending on the effective date of this amendatory Act of the 100th General Assembly. All actions taken in reliance on the continuation of the credit under this subsection (k) by any taxpayer are hereby validated.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity). The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of

title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed (i) $500 for tax years ending prior to December 31, 2017, and (ii) $750 for tax years ending on or after December 31, 2017. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. Notwithstanding any other provision of law, for taxable years beginning on or after January 1, 2017, no taxpayer may claim a credit under this subsection (m) if the taxpayer's adjusted gross income for the taxable year exceeds (i) $500,000, in the case of spouses filing a joint federal tax return or (ii) $250,000, in the case of all other taxpayers. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils.

(n) River Edge Redevelopment Zone site remediation tax credit.

(i) For tax years ending on or after December 31, 2006, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14a of the Environmental Protection Act that were paid in performing environmental remediation at a site within a River Edge Redevelopment Zone for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. Determinations as to credit availability for purposes of this Section shall be made consistent with rules adopted by the Pollution Control Board pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under

this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(o) For each of taxable years during the Compassionate Use of Medical Cannabis Pilot Program, a surcharge is imposed on all taxpayers on income arising from the sale or exchange of capital assets, depreciable business property, real property used in the trade or business, and Section 197 intangibles of an organization registrant under the Compassionate Use of Medical Cannabis Pilot Program Act. The amount of the surcharge is equal to the amount of federal income tax liability for the taxable year attributable to those sales and exchanges. The surcharge imposed does not apply if:

(1) the medical cannabis cultivation center registration, medical cannabis dispensary registration, or the property of a registration is transferred as a result of any of the following:

(A) bankruptcy, a receivership, or a debt adjustment initiated by or against the initial registration or the substantial owners of the initial registration;

(B) cancellation, revocation, or termination of any registration by the Illinois Department of Public Health;

(C) a determination by the Illinois Department of Public Health that transfer of the registration is in the best interests of Illinois qualifying patients as defined by the Compassionate Use of Medical Cannabis Pilot Program Act;

(D) the death of an owner of the equity interest in a registrant;

(E) the acquisition of a controlling interest in the stock or substantially all of the assets of a publicly traded company;

(F) a transfer by a parent company to a wholly owned subsidiary; or

(G) the transfer or sale to or by one person to another person where both persons were initial owners of the registration when the registration was issued; or

(2) the cannabis cultivation center registration, medical cannabis dispensary registration, or the controlling interest in a registrant's property is transferred in a transaction to lineal descendants in which no gain or loss is recognized or as a result of a transaction in accordance with Section 351 of the Internal Revenue Code in which no gain or loss is recognized.

(Source: P.A. 100-22, eff. 7-6-17.)

(35 ILCS 5/201.1 new)

Sec. 201.1. Tax rates. In the case of an individual, trust, or estate, for taxable years beginning on or after January 1, 2021, the amount of the tax imposed by subsection (a) of Section 201 of this Act shall be determined according to the following tax rate structure:

(1) for taxpayers who do not file a joint return and have a net income of $750,000 or less:

(A) 4.75% of the portion of the taxpayer's net income that does not exceed $10,000;

(B) 4.9% of the portion of the taxpayer's net income that exceeds $10,000 but does not exceed $100,000;

(C) 4.95% of the portion of the taxpayer's net income that exceeds $100,000 but does not exceed $250,000;

(D) 7.75% of the portion of the taxpayer's net income that exceeds $250,000 but does not exceed $350,000; and

(E) 7.85% of the portion of the taxpayer's net income that exceeds $350,000 but does not exceed $750,000; and

(2) for taxpayers who do not file a joint return and have a net income that exceeds $750,000, 7.99% of the taxpayer's net income;

(3) for taxpayers who file a joint return and have a net income of $1,000,000 or less:

(A) 4.75% of the portion of the taxpayer's net income that does not exceed $10,000;

(B) 4.9% of the portion of the taxpayer's net income that exceeds $10,000 but does not exceed $100,000;

(C) 4.95% of the portion of the taxpayer's net income that exceeds $100,000 but does not exceed $250,000;

(D) 7.75% of the portion of the taxpayer's net income that exceeds $250,000 but does not exceed $500,000; and

(E) 7.85% of the portion of the taxpayer's net income that exceeds $500,000 but does not exceed $1,000,000; and

(4) for taxpayers who file a joint return and have a net income of more than $1,000,000, 7.99% of the taxpayer's net income.

(35 ILCS 5/208) (from Ch. 120, par. 2-208)

Sec. 208. Tax credit for residential real property taxes. For ~~Beginning with~~ tax years ending on or after December 31, 1991 and ending prior to December 31, 2021, every individual taxpayer shall be entitled to a tax credit equal to 5% of real property taxes paid by such taxpayer during the taxable year on the principal residence of the taxpayer. For tax years ending on or after December 31, 2021, every individual taxpayer shall be entitled to a tax credit equal to 6% of real property taxes paid by such taxpayer during the taxable year on the principal residence of the taxpayer. In the case of multi-unit or multi-use structures and farm dwellings, the taxes on the taxpayer's principal residence shall be that portion of the total taxes which is attributable to such principal residence. Notwithstanding any other provision of law, for taxable years beginning on or after January 1, 2017, no taxpayer may claim a credit under this Section if the taxpayer's adjusted gross income for the taxable year exceeds (i) $500,000, in the case of spouses filing a joint federal tax return, or (ii) $250,000, in the case of all other taxpayers. This Section is exempt from the provisions of Section 250.

(Source: P.A. 100-22, eff. 7-6-17.)

(35 ILCS 5/229 new)

Sec. 229. Child tax credit.

(a) For taxable years beginning on or after January 1, 2021, there shall be allowed as a credit against the tax imposed by Section 201 for the taxable year with respect to each child of the taxpayer who is under the age of 17 and for whom the taxpayer is allowed an additional exemption under Section 204 an amount equal to $100.

(b) The amount of the credit allowed under subsection (a) shall be reduced by $5 for each $2,000 by which the taxpayer's net income exceeds $60,000 in the case of a joint return or exceeds $40,000 in the case of any other form of return.

(c) In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.

(d) This Section is exempt from the provisions of Section 250.

(35 ILCS 5/502) (from Ch. 120, par. 5-502)

Sec. 502. Returns and notices.

(a) In general. A return with respect to the taxes imposed by this Act shall be made by every person for any taxable year:

(1) for which such person is liable for a tax imposed by this Act, or

(2) in the case of a resident or in the case of a corporation which is qualified to do business in this State, for which such person is required to make a federal income tax return, regardless of whether such person is liable for a tax imposed by this Act. However, this paragraph shall not require a resident to make a return if such person has an Illinois base income of the basic amount in Section 204(b) or less and is either claimed as a dependent on another person's tax return under the Internal Revenue Code, or is claimed as a dependent on another person's tax return under this Act.

Notwithstanding the provisions of paragraph (1), a nonresident (other than, for taxable years ending on or after December 31, 2011, a nonresident required to withhold tax under Section 709.5) whose Illinois income tax liability under subsections (a), (b), (c), and (d) of Section 201 of this Act is paid in full after taking into account the credits allowed under subsection (f) of this Section or allowed under Section 709.5 of this Act shall not be required to file a return under this subsection (a).

(b) Fiduciaries and receivers.

(1) Decedents. If an individual is deceased, any return or notice required of such individual under this Act shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) Individuals under a disability. If an individual is unable to make a return or notice required under this Act, the return or notice required of such individual shall be made by his duly authorized agent, guardian, fiduciary or other person charged with the care of the person or property of such individual.

(3) Estates and trusts. Returns or notices required of an estate or a trust shall be made by the fiduciary thereof.

(4) Receivers, trustees and assignees for corporations. In a case where a receiver, trustee in bankruptcy, or assignee, by order of a court of competent jurisdiction, by operation of law, or otherwise, has possession of or holds title to all or substantially all the property or business of a corporation, whether or not such property or business is being operated, such receiver, trustee, or

assignee shall make the returns and notices required of such corporation in the same manner and form as corporations are required to make such returns and notices.

(c) Joint returns by spouses ~~husband and wife~~.

(1) Except as provided in paragraph (3):

(A) if spouses ~~a husband and wife~~ file a joint federal income tax return for a taxable year ending before December 31, 2009 or ending on or after December 31, 2021, they shall file a joint return under this Act for such taxable year and their liabilities shall be joint and several;

(B) if spouses ~~a husband and wife~~ file a joint federal income tax return for a taxable year ending on or after December 31, 2009 and ending prior to December 31, 2021, they may elect to file separate returns under this Act for such taxable year. The election under this paragraph must be made on or before the due date (including extensions) of the return and, once made, shall be irrevocable. If no election is timely made under this paragraph for a taxable year:

(i) the couple must file a joint return under this Act for such taxable year,

(ii) their liabilities shall be joint and several, and

(iii) any overpayment for that taxable year may be withheld under Section 909 of this Act or under Section 2505-275 of the Civil Administrative Code of Illinois and applied against a debt of either spouse without regard to the amount of the overpayment attributable to the other spouse; and

(C) if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this Act.

(2) If neither spouse is required to file a federal income tax return and either or both are required to file a return under this Act, they may elect to file separate or joint returns and pursuant to such election their liabilities shall be separate or joint and several.

(3) If either spouse ~~husband or wife~~ is a resident and the other is a nonresident, they shall file separate returns in this State on such forms as may be required by the Department in which event their tax liabilities shall be separate; but if, for taxable years ending prior to December 31, 2021, they file a joint federal income tax return for a taxable year, they may elect to determine their joint net income and file a joint return for that taxable year under the provisions of paragraph (1) of this subsection as if both were residents and in such case, their liabilities shall be joint and several. For taxable years ending on or after December 31, 2021, if such spouses file a joint federal income tax return for a taxable year, they shall determine their joint net income and file a joint return for that taxable year under the provisions of paragraph (1) of this subsection as if both were residents, and, in such case, their liabilities shall be joint and several.

(4) Innocent spouses.

(A) However, for tax liabilities arising and paid prior to August 13, 1999, an innocent spouse shall be relieved of liability for tax (including interest and penalties) for any taxable year for which a joint return has been made, upon submission of proof that the Internal Revenue Service has made a determination under Section 6013(e) of the Internal Revenue Code, for the same taxable year, which determination relieved the spouse from liability for federal income taxes. If there is no federal income tax liability at issue for the same taxable year, the Department shall rely on the provisions of Section 6013(e) to determine whether the person requesting innocent spouse abatement of tax, penalty, and interest is entitled to that relief.

(B) For tax liabilities arising on and after August 13, 1999 or which arose prior to that date, but remain unpaid as of that date, if an individual who filed a joint return for any taxable year has made an election under this paragraph, the individual's liability for any tax shown on the joint return shall not exceed the individual's separate return amount and the individual's liability for any deficiency assessed for that taxable year shall not exceed the portion of the deficiency properly allocable to the individual. For purposes of this paragraph:

(i) An election properly made pursuant to Section 6015 of the Internal Revenue Code shall constitute an election under this paragraph, provided that the election shall not be effective until the individual has notified the Department of the election in the form and manner prescribed by the Department.

(ii) If no election has been made under Section 6015, the individual may make an election under this paragraph in the form and manner prescribed by the Department, provided that no election may be made if the Department finds that assets were transferred between individuals filing a joint return as part of a scheme by such individuals to avoid payment of Illinois income tax and the election shall not eliminate the individual's liability for any portion of a deficiency

attributable to an error on the return of which the individual had actual knowledge as of the date of filing.

(iii) In determining the separate return amount or portion of any deficiency attributable to an individual, the Department shall follow the provisions in subsections (c) and (d) of Section 6015 of the Internal Revenue Code.

(iv) In determining the validity of an individual's election under subparagraph (ii) and in determining an electing individual's separate return amount or portion of any deficiency under subparagraph (iii), any determination made by the Secretary of the Treasury, by the United States Tax Court on petition for review of a determination by the Secretary of the Treasury, or on appeal from the United States Tax Court under Section 6015 of the Internal Revenue Code regarding criteria for eligibility or under subsection (d) of Section 6015 of the Internal Revenue Code regarding the allocation of any item of income, deduction, payment, or credit between an individual making the federal election and that individual's spouse shall be conclusively presumed to be correct. With respect to any item that is not the subject of a determination by the Secretary of the Treasury or the federal courts, in any proceeding involving this subsection, the individual making the election shall have the burden of proof with respect to any item except that the Department shall have the burden of proof with respect to items in subdivision (ii).

(v) Any election made by an individual under this subsection shall apply to all years for which that individual and the spouse named in the election have filed a joint return.

(vi) After receiving a notice that the federal election has been made or after receiving an election under subdivision (ii), the Department shall take no collection action against the electing individual for any liability arising from a joint return covered by the election until the Department has notified the electing individual in writing that the election is invalid or of the portion of the liability the Department has allocated to the electing individual. Within 60 days (150 days if the individual is outside the United States) after the issuance of such notification, the individual may file a written protest of the denial of the election or of the Department's determination of the liability allocated to him or her and shall be granted a hearing within the Department under the provisions of Section 908. If a protest is filed, the Department shall take no collection action against the electing individual until the decision regarding the protest has become final under subsection (d) of Section 908 or, if administrative review of the Department's decision is requested under Section 1201, until the decision of the court becomes final.

(d) Partnerships. Every partnership having any base income allocable to this State in accordance with section 305(c) shall retain information concerning all items of income, gain, loss and deduction; the names and addresses of all of the partners, or names and addresses of members of a limited liability company, or other persons who would be entitled to share in the base income of the partnership if distributed; the amount of the distributive share of each; and such other pertinent information as the Department may by forms or regulations prescribe. The partnership shall make that information available to the Department when requested by the Department.

(e) For taxable years ending on or after December 31, 1985, and before December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) having the same taxable year and that are members of the same unitary business group may elect to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in the election to file the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under this Act. This subsection (e) does not permit the election to be made for some, but not all, of the purposes enumerated above. For taxable years ending on or after December 31, 1987, corporate members (other than Subchapter S corporations) of the same unitary business group making this subsection (e) election are not required to have the same taxable year.

For taxable years ending on or after December 31, 1993, taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business group shall be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under this Act.

(f) For taxable years ending prior to December 31, 2014, the Department may promulgate regulations to permit nonresident individual partners of the same partnership, nonresident Subchapter S corporation shareholders of the same Subchapter S corporation, and nonresident individuals transacting an insurance business in Illinois under a Lloyds plan of operation, and nonresident individual members of the same limited liability company that is treated as a partnership under Section 1501 (a)(16) of this Act, to file composite individual income tax returns reflecting the composite income of such individuals allocable to Illinois and to make composite individual income tax payments. For taxable years ending prior to

December 31, 2014, the Department may by regulation also permit such composite returns to include the income tax owed by Illinois residents attributable to their income from partnerships, Subchapter S corporations, insurance businesses organized under a Lloyds plan of operation, or limited liability companies that are treated as partnership under Section 1501(a)(16) of this Act, in which case such Illinois residents will be permitted to claim credits on their individual returns for their shares of the composite tax payments. This paragraph of subsection (f) applies to taxable years ending on or after December 31, 1987 and ending prior to December 31, 2014.

For taxable years ending on or after December 31, 1999, the Department may, by regulation, permit any persons transacting an insurance business organized under a Lloyds plan of operation to file composite returns reflecting the income of such persons allocable to Illinois and the tax rates applicable to such persons under Section 201 and to make composite tax payments and shall, by regulation, also provide that the income and apportionment factors attributable to the transaction of an insurance business organized under a Lloyds plan of operation by any person joining in the filing of a composite return shall, for purposes of allocating and apportioning income under Article 3 of this Act and computing net income under Section 202 of this Act, be excluded from any other income and apportionment factors of that person or of any unitary business group, as defined in subdivision (a)(27) of Section 1501, to which that person may belong.

For taxable years ending on or after December 31, 2008, every nonresident shall be allowed a credit against his or her liability under subsections (a) and (b) of Section 201 for any amount of tax reported on a composite return and paid on his or her behalf under this subsection (f). Residents (other than persons transacting an insurance business organized under a Lloyds plan of operation) may claim a credit for taxes reported on a composite return and paid on their behalf under this subsection (f) only as permitted by the Department by rule.

(f-5) For taxable years ending on or after December 31, 2008, the Department may adopt rules to provide that, when a partnership or Subchapter S corporation has made an error in determining the amount of any item of income, deduction, addition, subtraction, or credit required to be reported on its return that affects the liability imposed under this Act on a partner or shareholder, the partnership or Subchapter S corporation may report the changes in liabilities of its partners or shareholders and claim a refund of the resulting overpayments, or pay the resulting underpayments, on behalf of its partners and shareholders.

(g) The Department may adopt rules to authorize the electronic filing of any return required to be filed under this Section.

(Source: P.A. 97-507, eff. 8-23-11; 98-478, eff. 1-1-14.)

(35 ILCS 5/901) (from Ch. 120, par. 9-901)

Sec. 901. Collection authority.

(a) In general. The Department shall collect the taxes imposed by this Act. The Department shall collect certified past due child support amounts under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois. Except as provided in subsections (b), (c), (e), (f), (g), and (h) of this Section, money collected pursuant to subsections (a) and (b) of Section 201 of this Act shall be paid into the General Revenue Fund in the State treasury; money collected pursuant to subsections (c) and (d) of Section 201 of this Act shall be paid into the Personal Property Tax Replacement Fund, a special fund in the State Treasury; and money collected under Section 2505-650 of the Department of Revenue Law of the Civil Administrative Code of Illinois shall be paid into the Child Support Enforcement Trust Fund, a special fund outside the State Treasury, or to the State Disbursement Unit established under Section 10-26 of the Illinois Public Aid Code, as directed by the Department of Healthcare and Family Services.

(b) Local Government Distributive Fund. Beginning August 1, 1969, and continuing through June 30, 1994, the Treasurer shall transfer each month from the General Revenue Fund to a special fund in the State treasury, to be known as the "Local Government Distributive Fund", an amount equal to 1/12 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1994, and continuing through June 30, 1995, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 1/11 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act during the preceding month. Beginning July 1, 1995 and continuing through January 31, 2011, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the net of (i) 1/10 of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act during the preceding month (ii) minus, beginning July 1, 2003 and ending June 30, 2004, $6,666,666, and beginning July 1, 2004, zero. Beginning February 1, 2011, and continuing through January 31, 2015, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the sum of (i) 6% (10% of the ratio of the 3% individual income tax rate prior to 2011 to the 5% individual

income tax rate after 2010) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon individuals, trusts, and estates during the preceding month and (ii) 6.86% (10% of the ratio of the 4.8% corporate income tax rate prior to 2011 to the 7% corporate income tax rate after 2010) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon corporations during the preceding month. Beginning February 1, 2015 and continuing through July 31, 2017, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the sum of (i) 8% (10% of the ratio of the 3% individual income tax rate prior to 2011 to the 3.75% individual income tax rate after 2014) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon individuals, trusts, and estates during the preceding month and (ii) 9.14% (10% of the ratio of the 4.8% corporate income tax rate prior to 2011 to the 5.25% corporate income tax rate after 2014) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon corporations during the preceding month. Beginning August 1, 2017 and continuing through January 31, 2021, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to the sum of (i) 6.06% (10% of the ratio of the 3% individual income tax rate prior to 2011 to the 4.95% individual income tax rate after July 1, 2017) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon individuals, trusts, and estates during the preceding month and (ii) 6.85% (10% of the ratio of the 4.8% corporate income tax rate prior to 2011 to the 7% corporate income tax rate after July 1, 2017) of the net revenue realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act upon corporations during the preceding month. Beginning on February 1, 2021, the Treasurer shall transfer each month from the General Revenue Fund to the Local Government Distributive Fund an amount equal to 10.75% of the amount that would have been generated under subsections (a) and (b) of Section 201 if the taxes had been imposed at the rate of 3% for individuals, trusts, and estates and at the rate of 4.8% for corporations. Net revenue realized for a month shall be defined as the revenue from the tax imposed by subsections (a) and (b) of Section 201 of this Act which is deposited in the General Revenue Fund, the Education Assistance Fund, the Income Tax Surcharge Local Government Distributive Fund, the Fund for the Advancement of Education, and the Commitment to Human Services Fund during the month minus the amount paid out of the General Revenue Fund in State warrants during that same month as refunds to taxpayers for overpayment of liability under the tax imposed by subsections (a) and (b) of Section 201 of this Act.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this subsection (b) to be transferred by the Treasurer into the Local Government Distributive Fund from the General Revenue Fund shall be directly deposited into the Local Government Distributive Fund as the revenue is realized from the tax imposed by subsections (a) and (b) of Section 201 of this Act.

For State fiscal year 2018 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2018 shall be reduced by 10%.

For State fiscal year 2019 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2019 shall be reduced by 5%.

(c) Deposits Into Income Tax Refund Fund.

(1) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 6% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999 through 2001, the Annual Percentage shall be 7.1%. For fiscal year 2003, the Annual Percentage shall be 8%. For fiscal year 2004, the Annual Percentage shall be 11.7%. Upon the effective date of Public Act 93-839 (July 30, 2004), the Annual Percentage shall be 10% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 9.75%. For fiscal year 2007, the Annual Percentage shall be 9.75%. For fiscal year 2008, the Annual Percentage shall be 7.75%. For fiscal year 2009, the Annual Percentage shall be 9.75%. For fiscal year 2010, the Annual Percentage shall be 9.75%. For fiscal year 2011, the Annual Percentage shall be 8.75%. For fiscal year 2012, the Annual Percentage shall be 8.75%. For fiscal year 2013, the Annual Percentage shall be 9.75%. For fiscal year 2014, the Annual Percentage shall be 9.5%. For fiscal year 2015, the Annual Percentage shall be 10%. For fiscal year 2018, the Annual Percentage shall be 9.8%. For fiscal year 2019, the Annual Percentage shall be 9.7%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which

shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, minus the amounts transferred into the Income Tax Refund Fund from the Tobacco Settlement Recovery Fund, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(1), (2), and (3) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 7.6%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(2) Beginning on January 1, 1989 and thereafter, the Department shall deposit a percentage of the amounts collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act into a fund in the State treasury known as the Income Tax Refund Fund. The Department shall deposit 18% of such amounts during the period beginning January 1, 1989 and ending on June 30, 1989. Beginning with State fiscal year 1990 and for each fiscal year thereafter, the percentage deposited into the Income Tax Refund Fund during a fiscal year shall be the Annual Percentage. For fiscal years 1999, 2000, and 2001, the Annual Percentage shall be 19%. For fiscal year 2003, the Annual Percentage shall be 27%. For fiscal year 2004, the Annual Percentage shall be 32%. Upon the effective date of Public Act 93-839 (July 30, 2004), the Annual Percentage shall be 24% for fiscal year 2005. For fiscal year 2006, the Annual Percentage shall be 20%. For fiscal year 2007, the Annual Percentage shall be 17.5%. For fiscal year 2008, the Annual Percentage shall be 15.5%. For fiscal year 2009, the Annual Percentage shall be 17.5%. For fiscal year 2010, the Annual Percentage shall be 17.5%. For fiscal year 2011, the Annual Percentage shall be 17.5%. For fiscal year 2012, the Annual Percentage shall be 17.5%. For fiscal year 2013, the Annual Percentage shall be 14%. For fiscal year 2014, the Annual Percentage shall be 13.4%. For fiscal year 2015, the Annual Percentage shall be 14%. For fiscal year 2018, the Annual Percentage shall be 17.5%. For fiscal year 2019, the Annual Percentage shall be 15.5%. For all other fiscal years, the Annual Percentage shall be calculated as a fraction, the numerator of which shall be the amount of refunds approved for payment by the Department during the preceding fiscal year as a result of overpayment of tax liability under subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act plus the amount of such refunds remaining approved but unpaid at the end of the preceding fiscal year, and the denominator of which shall be the amounts which will be collected pursuant to subsections (a) and (b)(6), (7), and (8), (c) and (d) of Section 201 of this Act during the preceding fiscal year; except that in State fiscal year 2002, the Annual Percentage shall in no event exceed 23%. The Director of Revenue shall certify the Annual Percentage to the Comptroller on the last business day of the fiscal year immediately preceding the fiscal year for which it is to be effective.

(3) The Comptroller shall order transferred and the Treasurer shall transfer from the Tobacco Settlement Recovery Fund to the Income Tax Refund Fund (i) $35,000,000 in January, 2001, (ii) $35,000,000 in January, 2002, and (iii) $35,000,000 in January, 2003.

(d) Expenditures from Income Tax Refund Fund.

(1) Beginning January 1, 1989, money in the Income Tax Refund Fund shall be expended exclusively for the purpose of paying refunds resulting from overpayment of tax liability under Section 201 of this Act and for making transfers pursuant to this subsection (d).

(2) The Director shall order payment of refunds resulting from overpayment of tax liability under Section 201 of this Act from the Income Tax Refund Fund only to the extent that amounts collected pursuant to Section 201 of this Act and transfers pursuant to this subsection (d) and item (3) of subsection (c) have been deposited and retained in the Fund.

(3) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the Personal Property Tax Replacement Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year over the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during the fiscal year.

(4) As soon as possible after the end of each fiscal year, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Personal Property Tax Replacement Fund to the Income Tax Refund Fund an amount, certified by the Director to the Comptroller, equal to the excess of the amount of refunds resulting from overpayment of tax liability under subsections (c) and (d) of Section 201 of this Act paid from the Income Tax Refund Fund during

the fiscal year over the amount collected pursuant to subsections (c) and (d) of Section 201 of this Act deposited into the Income Tax Refund Fund during the fiscal year.

(4.5) As soon as possible after the end of fiscal year 1999 and of each fiscal year thereafter, the Director shall order transferred and the State Treasurer and State Comptroller shall transfer from the Income Tax Refund Fund to the General Revenue Fund any surplus remaining in the Income Tax Refund Fund as of the end of such fiscal year; excluding for fiscal years 2000, 2001, and 2002 amounts attributable to transfers under item (3) of subsection (c) less refunds resulting from the earned income tax credit.

(5) This Act shall constitute an irrevocable and continuing appropriation from the Income Tax Refund Fund for the purpose of paying refunds upon the order of the Director in accordance with the provisions of this Section.

(e) Deposits into the Education Assistance Fund and the Income Tax Surcharge Local Government Distributive Fund. On July 1, 1991, and thereafter, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 7.3% into the Education Assistance Fund in the State Treasury. Beginning July 1, 1991, and continuing through January 31, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 3.0% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning February 1, 1993 and continuing through June 30, 1993, of the amounts collected pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 4.4% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury. Beginning July 1, 1993, and continuing through June 30, 1994, of the amounts collected under subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, the Department shall deposit 1.475% into the Income Tax Surcharge Local Government Distributive Fund in the State Treasury.

(f) Deposits into the Fund for the Advancement of Education. Beginning February 1, 2015, the Department shall deposit the following portions of the revenue realized from the tax imposed upon individuals, trusts, and estates by subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, into the Fund for the Advancement of Education:

(1) beginning February 1, 2015, and prior to February 1, 2025, 1/30; and

(2) beginning February 1, 2025, 1/26.

If the rate of tax imposed by subsection (a) and (b) of Section 201 is reduced pursuant to Section 201.5 of this Act, the Department shall not make the deposits required by this subsection (f) on or after the effective date of the reduction.

(g) Deposits into the Commitment to Human Services Fund. Beginning February 1, 2015, the Department shall deposit the following portions of the revenue realized from the tax imposed upon individuals, trusts, and estates by subsections (a) and (b) of Section 201 of this Act, minus deposits into the Income Tax Refund Fund, into the Commitment to Human Services Fund:

(1) beginning February 1, 2015, and prior to February 1, 2025, 1/30; and

(2) beginning February 1, 2025, 1/26.

If the rate of tax imposed by subsection (a) and (b) of Section 201 is reduced pursuant to Section 201.5 of this Act, the Department shall not make the deposits required by this subsection (g) on or after the effective date of the reduction.

(h) Deposits into the Tax Compliance and Administration Fund. Beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department, an amount equal to 1/12 of 5% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department from the tax imposed by subsections (a), (b), (c), and (d) of Section 201 of this Act, net of deposits into the Income Tax Refund Fund made from those cash receipts.

(Source: P.A. 99-78, eff. 7-20-15; 100-22, eff. 7-6-17; 100-23, eff. 7-6-17; 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff. 8-14-18; 100-1171, eff. 1-4-19; revised 1-8-19.)

Section 99. Effective date. This Act takes effect on January 1, 2021, but does not take effect at all unless Senate Joint Resolution Constitutional Amendment No. 1 of the 101st General Assembly is approved by the voters of the State prior to that date.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 687

AMENDMENT NO. 2. Amend Senate Bill 687, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 43, by replacing lines 3 and 4 with the following:
"be separate; but if they file a joint federal income tax"; and

on page 43, by replacing lines 9 through 16 with the following:
"their liabilities shall be joint and several.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 687** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 22.

The following voted in the affirmative:

Aquino	Harmon	Link	Sims
Belt	Harris	Manar	Stadelman
Bennett	Hastings	Martinez	Steans
Bush	Holmes	McGuire	Van Pelt
Castro	Hunter	Morrison	Villivalam
Collins	Hutchinson	Mulroe	Mr. President
Cunningham	Jones, E.	Muñoz	
Ellman	Koehler	Murphy	
Fine	Landek	Peters	
Gillespie	Lightford	Sandoval	

The following voted in the negative:

Anderson	DeWitte	Plummer	Syverson
Barickman	Fowler	Rezin	Tracy
Bertino-Tarrant	Glowiak	Righter	Weaver
Brady	McClure	Rose	Wilcox
Cullerton, T.	McConchie	Schimpf	
Curran	Oberweis	Stewart	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Manar, **Senate Bill No. 690** was recalled from the order of third reading to the order of second reading.

Senator Manar offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 690

AMENDMENT NO. 1. Amend Senate Bill 690 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 18-185, 18-205, and 18-214 as follows:

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation", except as otherwise provided in this paragraph, means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205. Beginning in levy year 2022, for taxing districts that are school districts other than qualified school districts, "extension limitation" means 0% or the rate of increase approved by the voters under Section 18-205, except that, if a special purpose extension (i) made for the payment of principal and interest on bonds or other evidences of indebtedness issued by the taxing district or (ii) made for contributions to a pension fund created under the Illinois Pension Code was required to be included in a school district's aggregate extension for the 2021 levy year, then the extension limitation for that extension shall be (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213. Beginning in levy year 2022, "taxing district" also includes each school district in the State, but does not include a qualified school district that was not subject to this Law in the 2021 levy year.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by

the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code. Beginning in levy year 2022, this definition of "aggregate extension" applies to each school district that was subject to this definition of "aggregate extension" for the 2021 levy year.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code; and (r) made for the purpose of making employer contributions to the Public School Teachers' Pension and Retirement Fund of Chicago under Section 34-53 of the School Code. Beginning in levy year 2022, this definition of "aggregate extension" applies to each school district that was subject to this definition of "aggregate extension" for the 2021 levy year.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any

taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code. Beginning in levy year 2022, this definition of "aggregate extension" applies to each school district that was subject to this definition of "aggregate extension" for the 2021 levy year.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational

programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code. Beginning in levy year 2022, this definition of "aggregate extension" applies to each school district that was subject to this definition of "aggregate extension" for the 2021 levy year.

"Aggregate extension", for school districts that were not subject to this Law in the 2021 levy year, means the annual corporate extension for the school district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the payment of principal and interest on bonds or other evidences of indebtedness issued by the school district; or (b) made for contributions to a pension fund created under the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, or, for those school districts that are subject to this Law as a result of this amendatory Act of the 101st General Assembly, for the 2021 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, 18-230, and 18-206. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be $12,654,592.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals

action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Qualified school district" means a school district that certifies to the county clerk of the county in which the school district is located by October 15 immediately preceding the first day of the levy year that the district meets either of the following criteria:

(1) the school district submitted a claim or claims to the Illinois State Board of Education for reimbursement of State mandated categoricals, as provided in the School Breakfast and Lunch Program Act or Section 14-7.02, 14-7.03, 14-13.01, 18-3, or 29-5 of the School Code, for the school fiscal year immediately preceding the levy year, and the aggregate amount of reimbursement for those State mandated categoricals for that school fiscal year was less than 97% of the district's claims as certified by the State Board of Education pursuant to Section 18-21 of the School Code; or

(2) the school district did not receive the minimum funding required for that school district under the evidence-based funding formula set forth in Section 18-8.15 of the School Code for the school fiscal year immediately preceding the levy year.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, previously established under the Economic Development Project Area Tax Increment Act of 1995, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, except for school districts that reduced their extension for educational purposes pursuant to Section 18-206, the

highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.

(Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17; 100-465, eff. 8-31-17.)

(35 ILCS 200/18-205)

Sec. 18-205. Referendum to increase the extension limitation. A taxing district is limited to an extension limitation as provided in Section 18-185 ~~of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year, whichever is less~~. A taxing district may increase its extension limitation for one or more levy years if that taxing district holds a referendum before the levy date for the first levy year at which a majority of voters voting on the issue approves adoption of a higher extension limitation. Referenda shall be conducted at a regularly scheduled election in accordance with the Election Code. The question shall be presented in substantially the following manner ~~for all elections held after March 21, 2006~~:

Shall the extension limitation under the Property Tax Extension Limitation Law for (insert the legal name, number, if any, and county or counties of the taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased from (the applicable extension limitation set forth in Section 18-185) ~~the lesser of 5% or the percentage increase in the Consumer Price Index over the prior levy year~~ to (insert the percentage of the proposed increase)% per year for (insert each levy year for which the increased extension limitation will apply)?

The votes must be recorded as "Yes" or "No".

If a majority of voters voting on the issue approves the adoption of the increase, the increase shall be applicable for each levy year specified.

The ballot for any question submitted pursuant to this Section shall have printed thereon, but not as a part of the question submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

(1) For the (insert the first levy year for which the increased extension limitation will be applicable) levy year the approximate amount of the additional tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of $100,000 is estimated to be $....

(2) Based upon an average annual percentage increase (or decrease) in the market value of such property of ...% (insert percentage equal to the average annual percentage increase or decrease for the prior 3 levy years, at the time the submission of the question is initiated by the taxing district, in the amount of (A) the equalized assessed value of the taxable property in the taxing district less (B) the new property included in the equalized assessed value), the approximate amount of the additional tax extendable against such property for the ... levy year is estimated to be $... and for the ... levy year is estimated to be $....

Paragraph (2) shall be included only if the increased extension limitation will be applicable for more than one year and shall list each levy year for which the increased extension limitation will be applicable. The additional tax shown for each levy year shall be the approximate dollar amount of the increase over the amount of the most recently completed extension at the time the submission of the question is initiated by the taxing district. The approximate amount of the additional tax extendable shown in paragraphs (1) and (2) shall be calculated by multiplying $100,000 (the fair market value of the property without regard to any property tax exemptions) by (i) the percentage level of assessment prescribed for that property by statute, or by ordinance of the county board in counties that classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution; (ii) the most recent final equalization factor certified to the county clerk by the Department of Revenue at the time the taxing district initiates the submission of the proposition to the electors; (iii) the last known aggregate extension base of the taxing district at the time the submission of the question is initiated by the taxing district; and (iv) the difference between the percentage increase proposed in the question and the (otherwise applicable extension

limitation under Section 18-185) ~~lesser of 5% or the percentage increase in the Consumer Price Index for the prior levy year (or an estimate of the percentage increase for the prior levy year if the increase is unavailable at the time the submission of the question is initiated by the taxing district)~~; and dividing the result by the last known equalized assessed value of the taxing district at the time the submission of the question is initiated by the taxing district. This amendatory Act of the 97th General Assembly is intended to clarify the existing requirements of this Section, and shall not be construed to validate any prior non-compliant referendum language. Any notice required to be published in connection with the submission of the question shall also contain this supplemental information and shall not contain any other supplemental information. Any error, miscalculation, or inaccuracy in computing any amount set forth on the ballot or in the notice that is not deliberate shall not invalidate or affect the validity of any proposition approved. Notice of the referendum shall be published and posted as otherwise required by law, and the submission of the question shall be initiated as provided by law.

(Source: P.A. 97-1087, eff. 8-24-12.)

(35 ILCS 200/18-214)

Sec. 18-214. Referenda on removal of the applicability of the Property Tax Extension Limitation Law to non-home rule taxing districts.

(a) The provisions of this Section do not apply to a taxing district that is subject to this Law because a majority of its 1990 equalized assessed value is in a county or counties contiguous to a county of 3,000,000 or more inhabitants, or because a majority of its 1994 equalized assessed value is in an affected county and the taxing district was not subject to this Law before the 1995 levy year. The provisions of this Section do not apply to a school district that is not a qualified school district.

(b) For purposes of this Section only:

"Taxing district" means any non-home rule taxing district that became subject to this Law under Section 18-213 of this Law.

"Equalized assessed valuation" means the equalized assessed valuation for a taxing district for the immediately preceding levy year.

(c) The county board of a county that became subject to this Law by a referendum approved by the voters of the county under Section 18-213 may, by ordinance or resolution, in the manner set forth in this Section, submit to the voters of the county the question of whether this Law applies to all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county in the manner set forth in this Section.

(d) The ordinance or resolution shall request the submission of the proposition at any election, except a consolidated primary election, for the purpose of voting for or against the continued application of the Property Tax Extension Limitation Law to all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county.

The question shall be placed on a separate ballot and shall be in substantially the following form:

Shall the Property Tax Extension Limitation Law (35 ILCS 200/18-185 through 35 ILCS 200/18-245), which limits annual property tax extension increases, apply to non-home rule taxing districts with all or a portion of their equalized assessed valuation located in (name of county)?

Votes on the question shall be recorded as "yes" or "no".

(e) The county clerk shall order the proposition submitted to the electors of the county at the election specified in the ordinance or resolution. If part of the county is under the jurisdiction of a board or boards of election commissioners, the county clerk shall submit a certified copy of the ordinance or resolution to each board of election commissioners, which shall order the proposition submitted to the electors of the taxing district within its jurisdiction at the election specified in the ordinance or resolution.

(f) With respect to taxing districts having all of their equalized assessed valuation located in one county, if a majority of the votes cast on the proposition are against the proposition, then this Law shall not apply to the taxing district beginning on January 1 of the year following the date of the referendum.

(g) With respect to taxing districts that do not have all of their equalized assessed valuation located in a single county, if both of the following conditions are met, then this Law shall no longer apply to the taxing district beginning on January 1 of the year following the date of the referendum.

(1) Each county in which the district has any equalized assessed valuation must either, (i) have held a referendum under this Section, (ii) be an affected county, or (iii) have held a referendum under Section 18-213 at which the voters rejected the proposition at the most recent election at which the question was on the ballot in the county.

(2) The majority of the equalized assessed valuation of the taxing district, other than any equalized assessed valuation in an affected county, is in one or more counties in which the voters rejected the proposition. For purposes of this Section, in determining whether a majority of the equalized assessed valuation of the taxing district is located in one or more counties in which the voters have

rejected the proposition under this Section, the equalized assessed valuation of any taxing district in a county which has held a referendum under Section 18-213 at which the voters rejected that proposition, at the most recent election at which the question was on the ballot in the county, will be included with the equalized assessed value of the taxing district in counties in which the voters have rejected the referendum held under this Section.

(h) Immediately after a referendum is held under this Section, the county clerk of the county holding the referendum shall give notice of the referendum having been held and its results to all taxing districts that have all or a portion of their equalized assessed valuation located in the county, the county clerk of any other county in which any of the equalized assessed valuation of any such taxing district is located, and the Department of Revenue. After the last referendum affecting a multi-county taxing district is held, the Department of Revenue shall determine whether the taxing district is no longer subject to this Law and, if the taxing district is no longer subject to this Law, the Department of Revenue shall notify the taxing district and the county clerks of all of the counties in which a portion of the equalized assessed valuation of the taxing district is located that, beginning on January 1 of the year following the date of the last referendum, the taxing district is no longer subject to this Law.

(Source: P.A. 89-718, eff. 3-7-97.)

Section 10. The School Code is amended by adding Section 18-21 as follows:

(105 ILCS 5/18-21 new)

Sec. 18-21. Certifications to school districts. On or before September 30th of each year, the State Board shall certify to each school district whether or not the school district is eligible for designation as a qualified school district, based on the criteria set forth in Section 18-185 of the Property Tax Code.

Section 99. Effective date. This Act takes effect on January 1, 2021, but does not take effect at all unless Senate Joint Resolution Constitutional Amendment No. 1 of the 101st General Assembly is approved by the voters of the State prior to that date.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Manar, **Senate Bill No. 690** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 36; NAYS 18.

The following voted in the affirmative:

Aquino	Fine	Koehler	Sandoval
Belt	Gillespie	Landek	Sims
Bennett	Glowiak	Lightford	Stadelman
Bertino-Tarrant	Harmon	Link	Steans
Bush	Harris	Manar	Van Pelt
Castro	Hastings	Martinez	Mr. President
Collins	Holmes	McGuire	
Crowe	Hunter	Morrison	
Cullerton, T.	Hutchinson	Mulroe	
Cunningham	Jones, E.	Muñoz	

The following voted in the negative:

Anderson	McClure	Righter	Tracy
Barickman	McConchie	Rose	Weaver

Brady	Oberweis	Schimpf	Wilcox
DeWitte	Plummer	Stewart	
Fowler	Rezin	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator J. Cullerton, **Senate Bill No. 689** was recalled from the order of third reading to the order of second reading.

Senator J. Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 689

AMENDMENT NO. 1. Amend Senate Bill 689 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Sections 2, 3, and 4 as follows:

(35 ILCS 405/2) (from Ch. 120, par. 405A-2)

Sec. 2. Definitions.

"Federal estate tax" means the tax due to the United States with respect to a taxable transfer under Chapter 11 of the Internal Revenue Code.

"Federal generation-skipping transfer tax" means the tax due to the United States with respect to a taxable transfer under Chapter 13 of the Internal Revenue Code.

"Federal return" means the federal estate tax return with respect to the federal estate tax and means the federal generation-skipping transfer tax return with respect to the federal generation-skipping transfer tax.

"Federal transfer tax" means the federal estate tax or the federal generation-skipping transfer tax.

"Illinois estate tax" means the tax due to this State with respect to a taxable transfer.

"Illinois generation-skipping transfer tax" means the tax due to this State with respect to a taxable transfer that gives rise to a federal generation-skipping transfer tax.

"Illinois transfer tax" means the Illinois estate tax or the Illinois generation-skipping transfer tax.

"Internal Revenue Code" means, unless otherwise provided, the Internal Revenue Code of 1986, as amended from time to time.

"Non-resident trust" means a trust that is not a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"Person" means and includes any individual, trust, estate, partnership, association, company or corporation.

"Qualified heir" means a qualified heir as defined in Section 2032A(e)(1) of the Internal Revenue Code.

"Resident trust" means a trust that is a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"State" means any state, territory or possession of the United States and the District of Columbia.

"State tax credit" means:

(a) For persons dying on or after January 1, 2003 and through December 31, 2005, an amount equal to the full credit calculable under Section 2011 or Section 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the increased applicable exclusion amount through December 31, 2005.

(b) For persons dying after December 31, 2005 and on or before December 31, 2009, and for persons dying after December 31, 2010 and prior to January 1, 2021, an amount equal to the full credit calculable under Section 2011 or 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of

2001, but recognizing the exclusion amount of only (i) $2,000,000 for persons dying prior to January 1, 2012, (ii) $3,500,000 for persons dying on or after January 1, 2012 and prior to January 1, 2013, and (iii) $4,000,000 for persons dying on or after January 1, 2013, and with reduction to the adjusted taxable estate for any qualified terminable interest property election as defined in subsection (b-1) of this Section.

(b-1) The person required to file the Illinois return may elect on a timely filed Illinois return a marital deduction for qualified terminable interest property under Section 2056(b)(7) of the Internal Revenue Code for purposes of the Illinois estate tax that is separate and independent of any qualified terminable interest property election for federal estate tax purposes. For purposes of the Illinois estate tax, the inclusion of property in the gross estate of a surviving spouse is the same as under Section 2044 of the Internal Revenue Code.

In the case of any trust for which a State or federal qualified terminable interest property election is made, the trustee may not retain non-income producing assets for more than a reasonable amount of time without the consent of the surviving spouse.

"Taxable transfer" means an event that gives rise to a state tax credit, including any credit as a result of the imposition of an additional tax under Section 2032A(c) of the Internal Revenue Code.

"Transferee" means a transferee within the meaning of Section 2603(a)(1) and Section 6901(h) of the Internal Revenue Code.

"Transferred property" means:

(1) With respect to a taxable transfer occurring at the death of an individual, the deceased individual's gross estate as defined in Section 2031 of the Internal Revenue Code.

(2) With respect to a taxable transfer occurring as a result of a taxable termination as defined in Section 2612(a) of the Internal Revenue Code, the taxable amount determined under Section 2622(a) of the Internal Revenue Code.

(3) With respect to a taxable transfer occurring as a result of a taxable distribution as defined in Section 2612(b) of the Internal Revenue Code, the taxable amount determined under Section 2621(a) of the Internal Revenue Code.

(4) With respect to an event which causes the imposition of an additional estate tax under Section 2032A(c) of the Internal Revenue Code, the qualified real property that was disposed of or which ceased to be used for the qualified use, within the meaning of Section 2032A(c)(1) of the Internal Revenue Code.

"Trust" includes a trust as defined in Section 2652(b)(1) of the Internal Revenue Code.

(Source: P.A. 96-789, eff. 9-8-09; 96-1496, eff. 1-13-11; 97-636, eff. 6-1-12.)

(35 ILCS 405/3) (from Ch. 120, par. 405A-3)

Sec. 3. Illinois estate tax.

(a) Imposition of Tax. An Illinois estate tax is imposed on every taxable transfer involving transferred property having a tax situs within the State of Illinois.

(b) Amount of tax. On estates of persons dying before January 1, 2003, the amount of the Illinois estate tax shall be the state tax credit, as defined in Section 2 of this Act, with respect to the taxable transfer reduced by the lesser of:

(1) the amount of the state tax credit paid to any other state or states; and

(2) the amount determined by multiplying the maximum state tax credit allowable with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(c) On estates of persons dying on or after January 1, 2003 and prior to January 1, 2021, the amount of the Illinois estate tax shall be the state tax credit, as defined in Section 2 of this Act, reduced by the amount determined by multiplying the state tax credit with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(d) No tax shall be imposed under this Act for persons dying on or after January 1, 2021.

(Source: P.A. 93-30, eff. 6-20-03; 94-419, eff. 8-2-05.)

(35 ILCS 405/4) (from Ch. 120, par. 405A-4)

Sec. 4. Illinois generation-skipping transfer tax.

(a) Imposition of tax. An Illinois generation-skipping transfer tax is imposed on every taxable transfer resulting in federal generation-skipping transfer tax involving transferred property having a tax situs within the State of Illinois.

(b) Amount of tax. The amount of the Illinois generation-skipping transfer tax shall be the maximum state tax credit allowable with respect to the taxable transfer, reduced by the lesser of:

(1) the amount of the state tax credit paid to any other state or states; and

(2) the amount determined by multiplying the maximum state tax credit allowable with

respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(c) No tax shall be imposed under this Act for transfers occurring on or after January 1, 2021.

(Source: P.A. 86-737.)

Section 99. Effective date. This Act takes effect on January 1, 2021, but does not take effect at all unless Senate Joint Resolution Constitutional Amendment No. 1 of the 101st General Assembly is approved by the voters prior to that date.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator J. Cullerton, **Senate Bill No. 689** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 33; NAYS 24.

The following voted in the affirmative:

Belt	Fine	Koehler	Sandoval
Bennett	Gillespie	Landek	Sims
Bertino-Tarrant	Glowiak	Lightford	Stadelman
Bush	Harmon	Link	Steans
Castro	Harris	Manar	Van Pelt
Collins	Hastings	Martinez	Mr. President
Crowe	Holmes	McGuire	
Cullerton, T.	Hunter	Morrison	
Ellman	Jones, E.	Mulroe	

The following voted in the negative:

Anderson	Hutchinson	Rezin	Villivalam
Aquino	McClure	Righter	Weaver
Barickman	McConchie	Rose	Wilcox
Brady	Murphy	Schimpf	
Cunningham	Oberweis	Stewart	
DeWitte	Peters	Syverson	
Fowler	Plummer	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 651** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Energy and Public Utilities.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 651

AMENDMENT NO. 2 . Amend Senate Bill 651 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Home Energy Affordability and Transparency (HEAT) Act.

Section 5. The Public Utilities Act is amended by changing Sections 16-115A, 16-118, 16-123, 19-115, 19-130, 19-135, and 20-110 and by adding Sections 16-115E and 19-116 as follows:

(220 ILCS 5/16-115A)

Sec. 16-115A. Obligations of alternative retail electric suppliers.

(a) An alternative retail electric supplier ~~shall~~:

(i) shall comply with the requirements imposed on public utilities by Sections 8-201 through 8-207, 8-301, 8-505 and 8-507 of this Act, to the extent that these Sections have application to the services being offered by the alternative retail electric supplier; ~~and~~

(ii) shall continue to comply with the requirements for certification stated in subsection (d) of Section 16-115.

(iii) beginning January 1, 2020 and every January 1 thereafter, shall submit to the Commission and the Office of the Attorney General the rates the retail electric supplier charged to residential customers in the prior year, including each distinct rate charged and whether the rate was a fixed or variable rate, the basis for the variable rate, and any fees charged in addition to the supply rate, including monthly fees, flat fees, or other service charges; and

(iv) shall make publicly available on its website, without the need for a customer login, rate information for all of its variable, time-of-use, and fixed rate contracts currently available to residential customers, including, but not limited to, fixed monthly charges, early termination fees, and kilowatt-hour charges.

(b) An alternative retail electric supplier shall obtain verifiable authorization from a customer, in a form or manner approved by the Commission consistent with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act, before the customer is switched from another supplier.

(c) No alternative retail electric supplier, or electric utility other than the electric utility in whose service area a customer is located, shall (i) enter into or employ any arrangements which have the effect of preventing a retail customer with a maximum electrical demand of less than one megawatt from having access to the services of the electric utility in whose service area the customer is located or (ii) charge retail customers for such access. This subsection shall not be construed to prevent an arms-length agreement between a supplier and a retail customer that sets a term of service, notice period for terminating service and provisions governing early termination through a tariff or contract as allowed by Section 16-119.

(d) An alternative retail electric supplier that is certified to serve residential or small commercial retail customers shall not:

(1) deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income, except as provided in Section 16-115E.

(2) deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.

(e) An alternative retail electric supplier shall comply with the following requirements with respect to the marketing, offering and provision of products or services to residential and small commercial retail customers:

(i) All ~~Any~~ marketing materials , including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations, ~~which make statements concerning prices, terms and conditions of service~~ shall contain information that adequately discloses the prices, terms, and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer and shall disclose the current utility electric supply price to compare applicable at the time the alternative retail electric supplier is offering or selling the products or services to the customer and shall disclose the date on which the utility electric supply price to compare became effective and the date on which it will expire. The utility electric supply price to compare shall be the sum of the electric supply charge and the transmission services charge and shall not include the purchased electricity adjustment. All marketing materials, including, but not limited to, electronic

marketing materials, in-person solicitations, and telephone solicitations, shall include the following statement: .

"(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). On (effective date), the electric supply price to compare is (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor that may range between +.5 cents and -.5 cents per kilowatt hour. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org.".

This paragraph (i) does not apply to goodwill or institutional advertising.

(ii) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. This written information shall be provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate, and the alternative retail electric supplier shall comply with Section 2N of the Consumer Fraud and Deceptive Business Practices Act.

(iii) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.

(iv) The alternative retail electric supplier shall provide to the customer (1) itemized billing statements that describe the products and services provided to the customer and their prices, and (2) an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer.

(v) All solicitations shall be conducted in, translated into, and provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate. An alternative retail electric supplier shall not solicit an enrollment of or enroll any customer if the alternative retail electric supplier is unable to communicate and provide marketing materials in a language in which the customer subject to the marketing or solicitation is able to understand and communicate.

(f) An alternative retail electric supplier may limit the overall size or availability of a service offering by specifying one or more of the following: a maximum number of customers, maximum amount of electric load to be served, time period during which the offering will be available, or other comparable limitation, but not including the geographic locations of customers within the area which the alternative retail electric supplier is certificated to serve. The alternative retail electric supplier shall file the terms and conditions of such service offering including the applicable limitations with the Commission prior to making the service offering available to customers.

(g) Nothing in this Section shall be construed as preventing an alternative retail electric supplier, which is an affiliate of, or which contracts with, (i) an industry or trade organization or association, (ii) a membership organization or association that exists for a purpose other than the purchase of electricity, or (iii) another organization that meets criteria established in a rule adopted by the Commission, from offering through the organization or association services at prices, terms and conditions that are available solely to the members of the organization or association.

(Source: P.A. 90-561, eff. 12-16-97.)

(220 ILCS 5/16-115E new)

Sec. 16-115E. Alternative retail electric supplier utility assistance recipient.

(a) Beginning January 1, 2020, an alternative retail electric supplier shall not knowingly submit an enrollment to change a customer's electric supply service if the electric utility's records indicate that the customer received financial assistance in the last 12 months from either the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan, unless: (1) the customer's change in electric supply service is pursuant to a government aggregation program adopted in accordance with Section 1-92 of the Illinois Power Agency Act; or (2) the customer's change in electric supply service is pursuant to a Commission-approved savings guarantee plan as described in subsection (b).

(b) Beginning July 1, 2020, an alternative retail electric supplier may apply to the Commission to offer a savings guarantee plan to recipients of the Low Income Home Energy Assistance Program or Percentage of Income Payment Plan funding. The Commission shall initiate a public, docketed proceeding to consider whether or not to approve an alternative retail electric supplier's application to offer a savings guarantee plan. At a minimum, the savings guarantee plan shall charge customers for electric supply less than the

amount charged by the electric utility for electric supply. The Commission shall adopt rules to implement this subsection (b).

(c) An agreement entered into between an alternative retail electric supplier in violation of this Section is void and unenforceable. Before the electric utility executes a change in a customer's electric supplier, other than a change pursuant to a government aggregation program adopted in accordance with Section 1-92 of the Illinois Power Agency or pursuant to a Commission-approved savings guarantee plan as described in subsection (b), the electric utility shall confirm at the time of the request whether its records indicate that the customer received financial assistance within the preceding 12 months from either the Low Income Home Energy Assistance Program or the Percentage of Income Payment Plan and, if its records so indicate, shall reject the change request. Absent willful or wanton misconduct, no electric utility shall be held liable for any error in acting or failing to act pursuant to this Section.

(220 ILCS 5/16-118)

Sec. 16-118. Services provided by electric utilities to alternative retail electric suppliers.

(a) It is in the best interest of Illinois energy consumers to promote fair and open competition in the provision of electric power and energy and to prevent anticompetitive practices in the provision of electric power and energy. Therefore, to the extent an electric utility provides electric power and energy or delivery services to alternative retail electric suppliers and such services are not subject to the jurisdiction of the Federal Energy Regulatory Commission, and are not competitive services, they shall be provided through tariffs that are filed with the Commission, pursuant to Article IX of this Act. Each electric utility shall permit alternative retail electric suppliers to interconnect facilities to those owned by the utility provided they meet established standards for such interconnection, and may provide standby or other services to alternative retail electric suppliers. The alternative retail electric supplier shall sign a contract setting forth the prices, terms and conditions for interconnection with the electric utility and the prices, terms and conditions for services provided by the electric utility to the alternative retail electric supplier in connection with the delivery by the electric utility of electric power and energy supplied by the alternative retail electric supplier.

(b) An electric utility shall file a tariff pursuant to Article IX of the Act that would allow alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located to issue single bills to the retail customers for both the services provided by such alternative retail electric supplier or other electric utility and the delivery services provided by the electric utility to such customers. The tariff filed pursuant to this subsection shall (i) require partial payments made by retail customers to be credited first to the electric utility's tariffed services, (ii) impose commercially reasonable terms with respect to credit and collection, including requests for deposits, (iii) retain the electric utility's right to disconnect the retail customers, if it does not receive payment for its tariffed services, in the same manner that it would be permitted to if it had billed for the services itself, and (iv) require the alternative retail electric supplier or other electric utility that elects the billing option provided by this tariff to include on each bill to retail customers an identification of the electric utility providing the delivery services and a listing of the charges applicable to such services. The tariff filed pursuant to this subsection may also include other just and reasonable terms and conditions. In addition, an electric utility, an alternative retail electric supplier or electric utility other than the electric utility in whose service area the customer is located, and a customer served by such alternative retail electric supplier or other electric utility, may enter into an agreement pursuant to which the alternative retail electric supplier or other electric utility pays the charges specified in Section 16-108, or other customer-related charges, including taxes and fees, in lieu of such charges being recovered by the electric utility directly from the customer.

(c) An electric utility with more than 100,000 customers shall file a tariff pursuant to Article IX of this Act that provides alternative retail electric suppliers, and electric utilities other than the electric utility in whose service area the retail customers are located, with the option to have the electric utility purchase their receivables for power and energy service provided to residential retail customers and non-residential retail customers with a non-coincident peak demand of less than 400 kilowatts. Receivables for power and energy service of alternative retail electric suppliers or electric utilities other than the electric utility in whose service area the retail customers are located shall be purchased by the electric utility at a just and reasonable discount rate to be reviewed and approved by the Commission after notice and hearing. The discount rate shall be based on the electric utility's historical bad debt and any reasonable start-up costs and administrative costs associated with the electric utility's purchase of receivables. The discounted rate for purchase of receivables shall be included in the tariff filed pursuant to this subsection (c). The discount rate filed pursuant to this subsection (c) shall be subject to periodic Commission review. The electric utility retains the right to impose the same terms on retail customers with respect to credit and collection, including requests for deposits, and retain the electric utility's right to disconnect the retail customers, if it does not receive payment for its tariffed services or purchased receivables, in the same manner that it

would be permitted to if the retail customers purchased power and energy from the electric utility. The tariff filed pursuant to this subsection (c) shall permit the electric utility to recover from retail customers any uncollected receivables that may arise as a result of the purchase of receivables under this subsection (c), may also include other just and reasonable terms and conditions, and shall provide for the prudently incurred costs associated with the provision of this service pursuant to this subsection (c). Nothing in this subsection (c) permits the double recovery of bad debt expenses from customers.

(d) An electric utility with more than 100,000 customers shall file a tariff pursuant to Article IX of this Act that would provide alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located with the option to have the electric utility produce and provide single bills to the retail customers for both the electric power and energy service provided by the alternative retail electric supplier or other electric utility and the delivery services provided by the electric utility to the customers. The tariffs filed pursuant to this subsection shall require the electric utility to collect and remit customer payments for electric power and energy service provided by alternative retail electric suppliers or electric utilities other than the electric utility in whose service area retail customers are located. The tariff filed pursuant to this subsection shall require the electric utility to include on each bill to retail customers an identification of the alternative retail electric supplier or other electric utility that elects the billing option. The tariff filed pursuant to this subsection (d) may also include other just and reasonable terms and conditions and shall provide for the recovery of prudently incurred costs associated with the provision of service pursuant to this subsection (d). The costs associated with the provision of service pursuant to this Section shall be subject to periodic Commission review.

(e) An electric utility with more than 100,000 customers in this State shall file a tariff pursuant to Article IX of this Act that provides alternative retail electric suppliers, and electric utilities other than the electric utility in whose service area the retail customers are located, with the option to have the electric utility purchase 2 billing cycles worth of uncollectible receivables for power and energy service provided to residential retail customers and to non-residential retail customers with a non-coincident peak demand of less than 400 kilowatts upon returning that customer to that electric utility for delivery and energy service after that alternative retail electric supplier, or an electric utility other than the electric utility in whose service area the retail customer is located, has made reasonable collection efforts on that account. Uncollectible receivables for power and energy service of alternative retail electric suppliers, or electric utilities other than the electric utility in whose service area the retail customers are located, shall be purchased by the electric utility at a just and reasonable discount rate to be reviewed and approved by the Commission, after notice and hearing. The discount rate shall be based on the electric utility's historical bad debt for receivables that are outstanding for a similar length of time and any reasonable start-up costs and administrative costs associated with the electric utility's purchase of receivables. The discounted rate for purchase of uncollectible receivables shall be included in the tariff filed pursuant to this subsection (e). The electric utility retains the right to impose the same terms on these retail customers with respect to credit and collection, including requests for deposits, and retains the right to disconnect these retail customers, if it does not receive payment for its tariffed services or purchased receivables, in the same manner that it would be permitted to if the retail customers had purchased power and energy from the electric utility. The tariff filed pursuant to this subsection (e) shall permit the electric utility to recover from retail customers any uncollectable receivables that may arise as a result of the purchase of uncollectible receivables under this subsection (e), may also include other just and reasonable terms and conditions, and shall provide for the prudently incurred costs associated with the provision of this service pursuant to this subsection (e). Nothing in this subsection (e) permits the double recovery of utility bad debt expenses from customers. The electric utility may file a joint tariff for this subsection (e) and subsection (c) of this Section.

(f) Every alternative retail electric supplier or electric utility other than the electric utility in whose service area retail customers are located that issues single bills to the retail customers for the services provided by the alternative retail electric supplier or other electric utility to the customers shall include on the single bills issued to residential customers the current utility electric supply price to compare that would apply to the customer for the billing period if the customer obtained supply from the utility. The current utility electric supply price shall be the sum of the electric supply charge and the transmission services charge and shall disclose that the price does not include the monthly purchased electricity adjustment.

(g) Every electric utility that provides delivery and supply services shall include on each bill issued to residential customers who obtain supply from an alternative retail electric supplier the current utility electric supply price to compare that would apply to the customer for the billing period if the customer obtained supply from the utility. The current utility electric supply price to compare shall be the sum of

the electric supply charge and the transmission services charge and shall disclose that the price does not include the monthly purchased electricity adjustment.

(Source: P.A. 95-700, eff. 11-9-07.)

(220 ILCS 5/16-123)

Sec. 16-123. Establishment of customer information centers for electric utilities and alternative retail electric suppliers.

(a) All electric utilities and alternative retail electric suppliers shall be required to maintain a customer call center where customers can reach a representative and receive current information. Customers shall periodically be notified on how to reach the call center. The Commission shall have the authority to establish reporting requirements for such centers.

(b) Notwithstanding anything to the contrary, an electric utility may:

(1) disclose the current utility electric supply price to a retail customer who takes electric power and energy supply service from an alternative retail electric supplier;

(2) disclose the supply price the customer is paying as reflected on the customer's bill, if known;

(3) furnish to a retail customer a list of frequently asked questions to be used by the retail customer in evaluating electric power and energy supply rate offers by alternative retail electric suppliers; this list may include, but is not limited to, the following:

(A) length of the contract;

(B) the price per kilowatt hour, and whether the contract price is fixed or variable, and if variable, the circumstances under which the rate may change;

(C) whether penalties or early termination fees apply if the customer terminates the contract before the expiration of its term; and

(D) whether the customer may be subject to any other adjustments, penalties, surcharges, or costs beyond the electric power and energy supply rate;

(4) provide to a retail customer education information published by the Office of Retail Market Development and the Office of the Attorney General regarding the selection and evaluation of electric power and energy supply rate offers by alternative retail electric suppliers; and

(5) place a restriction on a retail customer's account, at the customer's request, that prohibits any switching of the customer's electric power and energy supply service to an alternative retail electric supplier; the restriction shall only be removed at the customer's express direction.

(Source: P.A. 90-561, eff. 12-16-97.)

(220 ILCS 5/19-115)

Sec. 19-115. Obligations of alternative gas suppliers.

(a) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential or small commercial customers and only to the extent such alternative gas suppliers provide services to residential or small commercial customers.

(b) An alternative gas supplier ~~shall~~:

(1) shall comply with the requirements imposed on public utilities by Sections 8-201 through 8-207, 8-301, 8-505 and 8-507 of this Act, to the extent that these Sections have application to the services being offered by the alternative gas supplier;

(2) shall continue to comply with the requirements for certification stated in Section 19-110;

(3) shall comply with complaint procedures established by the Commission;

(4) except as provided in subsection (h) of this Section, shall file with the Chief Clerk of the Commission, within 20 business days after the effective date of this amendatory Act of the 95th General Assembly, a copy of bill formats, standard customer contract and customer complaint and resolution procedures, and the name and telephone number of the company representative whom Commission employees may contact to resolve customer complaints and other matters. In the case of a gas supplier that engages in door-to-door solicitation, the company shall file with the Commission the consumer information disclosure required by item (3) of subsection (c) of Section 2DDD of the Consumer Fraud and Deceptive Business Practices Act and shall file updated information within 10 business days after changes in any of the documents or information required to be filed by this item (4); ~~and~~

(5) shall maintain a customer call center where customers can reach a representative and receive current information. At least once every 6 months, each alternative gas supplier shall provide written information to customers explaining how to contact the call center. The average answer time for calls placed to the call center shall not exceed 60 seconds where a representative or automated system is ready to render assistance and/or accept information to process calls. The abandon rate for calls placed to the call center shall not exceed 10%. Each alternative gas supplier shall maintain records of the call

center's telephone answer time performance and abandon call rate. These records shall be kept for a minimum of 2 years and shall be made available to Commission personnel upon request. In the event that answer times and/or abandon rates exceed the limits established above, the reporting alternative gas supplier may provide the Commission or its personnel with explanatory details. At a minimum, these records shall contain the following information in monthly increments:

(A) total number of calls received;

(B) number of calls answered;

(C) average answer time;

(D) number of abandoned calls; and

(E) abandon call rate.

Alternative gas suppliers that do not have electronic answering capability that meets these requirements shall notify the Manager of the Commission's Consumer Services Division or its successor within 30 days following the effective date of this amendatory Act of the 95th General Assembly and work with Staff to develop individualized reporting requirements as to the call volume and responsiveness of the call center.

On or before March 1 of every year, each entity shall file a report with the Chief Clerk of the Commission for the preceding calendar year on its answer time and abandon call rate for its call center. A copy of the report shall be sent to the Manager of the Consumer Services Division or its successor; ~~.~~

(6) beginning January 1, 2020 and every January 1 thereafter, shall submit to the Commission and the Office of the Attorney General the rates the retail gas supplier charged to residential customers in the prior quarter, including each distinct rate charged and whether the rate was a fixed or variable rate, the basis for the variable rate, and any fees charged in addition to the supply rate, including monthly fees, flat fees, or other service charges; and

(7) shall make publicly available on its website, without the need for a customer login, rate information for all of its variable, time-of-use, and fixed rate contracts currently available to residential customers, including but not limited to, fixed monthly charges, early termination fees, and per therm charges.

(c) An alternative gas supplier shall not submit or execute a change in a customer's selection of a natural gas provider unless and until (i) the alternative gas supplier first discloses all material terms and conditions of the offer, including price, to the customer; (ii) the alternative gas supplier has obtained the customer's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and (iii) the alternative gas supplier has confirmed the request for a change in accordance with one of the following procedures:

(1) The alternative gas supplier has obtained the customer's written or electronically signed authorization in a form that meets the following requirements:

(A) An alternative gas supplier shall obtain any necessary written or electronically signed authorization from a customer for a change in natural gas service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(B) The letter of agency shall be a separate document (or an easily separable document containing only the authorization language described in item (E) of this paragraph (1)) whose sole purpose is to authorize a natural gas provider change. The letter of agency must be signed and dated by the customer requesting the natural gas provider change.

(C) The letter of agency shall not be combined with inducements of any kind on the same document.

(D) Notwithstanding items (A) and (B) of this paragraph (1), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in item (E) of this paragraph (1) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold face type on the face of the check a notice that the consumer is authorizing a natural gas provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(i) the customer's billing name and address;

(ii) the decision to change the natural gas provider from the current provider to the prospective alternative gas supplier;

(iii) the terms, conditions, and nature of the service to be provided to the customer, including, but not limited to, the rates for the service contracted for by the customer; and

(iv) that the customer understands that any natural gas provider selection the customer chooses may involve a charge to the customer for changing the customer's natural gas provider.

(F) Letters of agency shall not suggest or require that a customer take some action in order to retain the customer's current natural gas provider.

(G) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(2) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this paragraph (2), the customer's oral authorization to change natural gas providers that confirms and includes appropriate verification data. The independent third party must (i) not be owned, managed, controlled, or directed by the alternative gas supplier or the alternative gas supplier's marketing agent; (ii) not have any financial incentive to confirm provider change requests for the alternative gas supplier or the alternative gas supplier's marketing agent; and (iii) operate in a location physically separate from the alternative gas supplier or the alternative gas supplier's marketing agent. Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this paragraph (2) are satisfied. An alternative gas supplier or alternative gas supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established. All third-party verification methods shall elicit, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be provided and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Third-party verifiers may not market the alternative gas supplier's services by providing additional information. All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting alternative gas suppliers shall maintain and preserve audio records of verification of customer authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide customers with an option to speak with a live person at any time during the call.

(3) The alternative gas supplier has obtained the customer's authorization via an automated verification system to change natural gas service via telephone. An automated verification system is an electronic system that, through pre-recorded prompts, elicits voice responses, touchtone responses, or both, from the customer and records both the prompts and the customer's responses. Such authorization must elicit the information in paragraph (2)(A) through (F) of this subsection (c). Alternative gas suppliers electing to confirm sales electronically through an automated verification system shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number or numbers shall connect a customer to a voice response unit, or similar mechanism, that makes a date-stamped, time-stamped recording of the required information regarding the alternative gas supplier change.

The alternative gas supplier shall not use such electronic authorization systems to market its services.

(4) When a consumer initiates the call to the prospective alternative gas supplier, in order to enroll the consumer as a customer, the prospective alternative gas supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting alternative gas suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(5) In the event that a customer enrolls for service from an alternative gas supplier via an Internet website, the alternative gas supplier shall obtain an electronically signed letter of agency in accordance with paragraph (1) of this subsection (c) and any customer information shall be protected in accordance with all applicable statutes and regulations. In addition, an alternative gas supplier shall provide the following when marketing via an Internet website:

(A) The Internet enrollment website shall, at a minimum, include:

(i) a copy of the alternative gas supplier's customer contract that clearly and conspicuously discloses all terms and conditions; and

(ii) a conspicuous prompt for the customer to print or save a copy of the contract.

(B) Any electronic version of the contract shall be identified by version number, in order to ensure the ability to verify the particular contract to which the customer assents.

(C) Throughout the duration of the alternative gas supplier's contract with a customer, the alternative gas supplier shall retain and, within 3 business days of the customer's request, provide to the customer an e-mail, paper, or facsimile of the terms and conditions of the numbered contract version to which the customer assents.

(D) The alternative gas supplier shall provide a mechanism by which both the submission and receipt of the electronic letter of agency are recorded by time and date.

(E) After the customer completes the electronic letter of agency, the alternative gas supplier shall disclose conspicuously through its website that the customer has been enrolled, and the alternative gas supplier shall provide the customer an enrollment confirmation number.

(6) When a customer is solicited in person by the alternative gas supplier's sales agent, the alternative gas supplier may only obtain the customer's authorization to change natural gas service through the method provided for in paragraph (2) of this subsection (c).

Alternative gas suppliers must be in compliance with this subsection (c) within 90 days after the effective date of this amendatory Act of the 95th General Assembly.

(d) Complaints may be filed with the Commission under this Section by a customer whose natural gas service has been provided by an alternative gas supplier in a manner not in compliance with subsection (c) of this Section. If, after notice and hearing, the Commission finds that an alternative gas supplier has violated subsection (c), then the Commission may in its discretion do any one or more of the following:

(1) Require the violating alternative gas supplier to refund the customer charges collected in excess of those that would have been charged by the customer's authorized natural gas provider.

(2) Require the violating alternative gas supplier to pay to the customer's authorized natural gas provider the amount the authorized natural gas provider would have collected for natural gas service. The Commission is authorized to reduce this payment by any amount already paid by the violating alternative gas supplier to the customer's authorized natural gas provider.

(3) Require the violating alternative gas supplier to pay a fine of up to $1,000 into the Public Utility Fund for each repeated and intentional violation of this Section.

(4) Issue a cease and desist order.

(5) For a pattern of violation of this Section or for intentionally violating a cease and desist order, revoke the violating alternative gas supplier's certificate of service authority.

(e) No alternative gas supplier shall:

(1) enter into or employ any arrangements which have the effect of preventing any customer from having access to the services of the gas utility in whose service area the customer is located;

(2) charge customers for such access;

(3) bill for goods or services not authorized by the customer; or

(4) bill for a disputed amount where the alternative gas supplier has been provided notice of such dispute. The supplier shall attempt to resolve a dispute with the customer. When the dispute is not resolved to the customer's satisfaction, the supplier shall inform the customer of the right to file an informal complaint with the Commission and provide contact information. While the pending dispute is active at the Commission, an alternative gas supplier may bill only for the undisputed amount until the Commission has taken final action on the complaint.

(f) An alternative gas supplier that is certified to serve residential or small commercial customers shall not:

(1) deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender, or income, except as provided in Section 19-116;

(2) deny service based on locality, nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities;

(3) include in any agreement a provision that obligates a customer to the terms of the agreement if the customer (i) moves outside the State of Illinois; (ii) moves to a location without a transportation service program; or (iii) moves to a location where the customer will not require natural gas service, provided that nothing in this subsection precludes an alternative gas supplier from taking any action otherwise available to it to collect a debt that arises out of service provided to the customer before the customer moved; or

(4) assign the agreement to any alternative natural gas supplier, unless:

(A) the supplier is an alternative gas supplier certified by the Commission;

(B) the rates, terms, and conditions of the agreement being assigned do not change during the remainder of the time covered by the agreement;

(C) the customer is given no less than 30 days prior written notice of the assignment and contact information for the new supplier; and

(D) the supplier assigning the contract provides contact information that a customer can use to resolve a dispute.

(g) An alternative gas supplier shall comply with the following requirements with respect to the marketing, offering, and provision of products or services:

(1) All ~~Any~~ marketing materials , including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations ~~which make statements~~ concerning prices, terms, and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services and shall disclose the utility gas supply cost rates per therm price to compare available from the Illinois Commerce Commission website applicable at the time the alternative retail gas supplier is offering or selling the products or services to the customer. All marketing materials, including, but not limited to, electronic marketing materials, in-person solicitations, and telephone solicitations, shall include the following statement: ~~.~~

"(Name of the alternative retail gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative retail gas supplier). On (effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx.".

This paragraph (1) does not apply to goodwill or institutional advertising.

(2) Before any customer is switched from another supplier, the alternative gas supplier shall give the customer written information that clearly and conspicuously discloses, in plain language, the prices, terms, and conditions of the products and services being offered and sold to the customer. Nothing in this paragraph (2) may be read to relieve an alternative gas supplier from the duties imposed on it by item (3) of subsection (c) of Section 2DDD of the Consumer Fraud and Deceptive Business Practices Act.

(3) The alternative gas supplier shall provide to the customer:

(A) accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; provided that this item (g)(3)(A) does not apply to small commercial customers;

(B) billing statements that clearly and conspicuously discloses the name and contact information for the alternative gas supplier;

(C) an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer; provided that this item (g)(3)(C) does not apply to small commercial customers;

(D) refunds of any deposits with interest within 30 days after the date that the customer changes gas suppliers or discontinues service if the customer has satisfied all of his or her outstanding financial obligations to the alternative gas supplier at an interest rate set by the Commission which shall be the same as that required of gas utilities; and

(E) refunds, in a timely fashion, of all undisputed overpayments upon the oral or written request of the customer.

(4) An alternative gas supplier and its sales agents shall refrain from any direct marketing or soliciting to consumers on the gas utility's "Do Not Contact List", which the alternative gas supplier shall obtain on the 15th calendar day of the month from the gas utility in whose service area the consumer is provided with gas service. If the 15th calendar day is a non-business day, then the

alternative gas supplier shall obtain the list on the next business day following the 15th calendar day of that month.

(5) Early Termination.

(A) Any agreement that contains an early termination clause shall disclose the amount of the early termination fee, provided that any early termination fee or penalty shall not exceed $50 total, regardless of whether or not the agreement is a multiyear agreement.

(B) In any agreement that contains an early termination clause, an alternative gas supplier shall provide the customer the opportunity to terminate the agreement without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the alternative gas supplier. The agreement shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the agreement.

(6) Within 2 business days after electronic receipt of a customer switch from the alternative gas supplier and confirmation of eligibility, the gas utility shall provide the customer written notice confirming the switch. The gas utility shall not switch the service until 10 business days after the date on the notice to the customer.

(7) The alternative gas supplier shall provide each customer the opportunity to rescind its agreement without penalty within 10 business days after the date on the gas utility notice to the customer. The alternative gas supplier shall disclose all of the following:

(A) that the gas utility shall send a notice confirming the switch;

(B) that from the date the utility issues the notice confirming the switch, the customer shall have 10 business days to rescind the switch without penalty;

(C) that the customer shall contact the gas utility or the alternative gas supplier to rescind the switch; and

(D) the contact information for the gas utility.

The alternative gas supplier disclosure shall be included in its sales solicitations, contracts, and all applicable sales verification scripts.

(8) All solicitations shall be conducted in, translated into, and provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate. An alternative retail gas supplier shall not solicit an enrollment of or enroll any customer if the alternative gas supplier is unable to communicate and provide marketing materials in a language in which the customer subject to the marketing or solicitation is able to understand and communicate.

(h) An alternative gas supplier may limit the overall size or availability of a service offering by specifying one or more of the following:

(1) a maximum number of customers and maximum amount of gas load to be served;

(2) time period during which the offering will be available; or

(3) other comparable limitation, but not including the geographic locations of customers within the area which the alternative gas supplier is certificated to serve.

The alternative gas supplier shall file the terms and conditions of such service offering including the applicable limitations with the Commission prior to making the service offering available to customers.

(i) Nothing in this Section shall be construed as preventing an alternative gas supplier that is an affiliate of, or which contracts with, (i) an industry or trade organization or association, (ii) a membership organization or association that exists for a purpose other than the purchase of gas, or (iii) another organization that meets criteria established in a rule adopted by the Commission from offering through the organization or association services at prices, terms and conditions that are available solely to the members of the organization or association.

(Source: P.A. 95-1051, eff. 4-10-09.)

(220 ILCS 5/19-116 new)

Sec. 19-116. Alternative retail gas supplier utility assistance recipient.

(a) Beginning January 1, 2020, an alternative retail gas supplier shall not knowingly submit an enrollment to change a customer's gas supply service if the gas utility's records indicate that the customer received financial assistance in the last 12 months from either the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan, unless: (1) the customer's change in gas supply service is pursuant to a government aggregation program adopted in accordance with Section 1-92 of the Illinois Power Agency Act; or (2) the customer's change in gas supply service is pursuant to a Commission-approved savings guarantee plan as described in subsection (b).

(b) Beginning July 1, 2020, an alternative retail gas supplier may apply to the Commission to offer a savings guarantee plan to recipients of the Low Income Home Energy Assistance Program or Percentage

of Income Payment Plan funding. The Commission shall initiate a public, docketed proceeding to consider whether or not to approve an alternative retail gas supplier's application to offer a savings guarantee plan. At a minimum, the savings guarantee plan shall charge customers for gas supply at an amount that is less than the gas utility supply rate. The Commission shall adopt rules to implement this subsection (b).

(c) An agreement entered into between an alternative retail gas supplier and a consumer who received financial assistance in the last 12 months from the Low Income Home Energy Assistance Program or at the time of enrollment is participating in the Percentage of Income Payment Plan is void and unenforceable. Before the gas utility executes a change in a customer's supplier, other than a change pursuant to a government aggregation program adopted in accordance with Section 1-92 of the Illinois Power Agency or pursuant to a Commission-approved savings guarantee plan as described in subsection (b), the gas utility shall confirm at the time of the request that its records do not indicate that the customer received financial assistance within the preceding 12 months from either the Low Income Home Energy Assistance Program or the Percentage of Income Payment Plan and, if its records so indicate, shall reject the change request. Absent willful or wanton misconduct, no gas utility shall be held liable for any error in acting or failing to act pursuant to this Section.

(220 ILCS 5/19-130)

Sec. 19-130. Commission study and report. The Commission's Office of Retail Market Development shall prepare an annual report regarding the development of competitive retail natural gas markets in Illinois. The Office shall monitor existing competitive conditions in Illinois, identify barriers to retail competition for all customer classes, and actively explore and propose to the Commission and to the General Assembly solutions to overcome identified barriers. Solutions proposed by the Office to promote retail competition must also promote safe, reliable, and affordable natural gas service.

On or before October 1 of each year, beginning in 2015, the Director shall submit a report to the Commission, the General Assembly, and the Governor, that includes, at a minimum, the following information:

(1) an analysis of the status and development of the retail natural gas market in the State of Illinois; and

(2) a discussion of any identified barriers to the development of competitive retail natural gas markets in Illinois and proposed solutions to overcome identified barriers; and

(3) any other information the Office considers significant in assessing the development of natural gas markets in the State of Illinois.

Beginning in 2021, the report shall also include the information submitted to the Commission pursuant to paragraph (6) of subsection (b) of Section 19-115.

(Source: P.A. 97-223, eff. 1-1-12; 98-1121, eff. 8-26-14.)

(220 ILCS 5/19-135)

Sec. 19-135. Single billing.

(a) It is the intent of the General Assembly that in any service area where customers are able to choose their natural gas supplier, a single billing option shall be offered to customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility. A gas utility shall file a tariff pursuant to Article IX of this Act that allows alternative gas suppliers to issue single bills to residential and small commercial customers for both the services provided by the alternative gas supplier and the delivery services provided by the gas utility to customers; provided that if a form of single billing is being offered in a gas utility's service area on the effective date of this amendatory Act of the 92nd General Assembly, that form of single billing shall remain in effect unless and until otherwise ordered by the Commission.

(b) Every alternative gas supplier that issues a single bill for delivery and supply shall include on the single bill issued to a residential customer the current utility gas supply cost rate per therm that would apply to the customer for the billing period if the customer obtained supply from the utility, including all fixed or monthly supply charges and other charges, credits, or rates that are part of the gas supply price.

(c) Every gas utility that offers supply choice and provides delivery and alternative gas supply service on a single bill to its residential customers shall include on the bill of each residential customer who purchases supply services from an alternative gas supplier the total supply charge of the gas utility for the billing period that would apply to the customer for the billing period if the customer obtained supply from the utility, including all fixed or monthly supply charges and other charges, credits, or rates that are part of the gas supply price.

(Source: P.A. 92-852, eff. 8-26-02.)

(220 ILCS 5/20-110)

Sec. 20-110. Office of Retail Market Development. Within 90 days after the effective date of this amendatory Act of the 94th General Assembly, subject to appropriation, the Commission shall establish

an Office of Retail Market Development and employ on its staff a Director of Retail Market Development to oversee the Office. The Director shall have authority to employ or otherwise retain at least 2 professionals dedicated to the task of actively seeking out ways to promote retail competition in Illinois to benefit all Illinois consumers.

The Office shall actively seek input from all interested parties and shall develop a thorough understanding and critical analyses of the tools and techniques used to promote retail competition in other states.

The Office shall monitor existing competitive conditions in Illinois, identify barriers to retail competition for all customer classes, and actively explore and propose to the Commission and to the General Assembly solutions to overcome identified barriers. The Director may include municipal aggregation of customers and creating and designing customer choice programs as tools for retail market development. Solutions proposed by the Office to promote retail competition must also promote safe, reliable, and affordable electric service.

On or before June 30 of each year, the Director shall submit a report to the Commission, the General Assembly, and the Governor, that details specific accomplishments achieved by the Office in the prior 12 months in promoting retail electric competition and that suggests administrative and legislative action necessary to promote further improvements in retail electric competition. On or before June 30, 2021 and every year thereafter, the report shall include the information submitted to the Commission pursuant to paragraph (iii) of subsection (a) of Section 16-115A.

(Source: P.A. 94-1095, eff. 2-2-07.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Sections 2EE and 2DDD as follows:

(815 ILCS 505/2EE)

Sec. 2EE. Alternative retail electric supplier ~~Electric service provider~~ selection.

(a) An alternative retail electric supplier ~~electric service provider~~ shall not submit or execute a change in a consumer's ~~subscriber's~~ selection of a provider of electric service unless and until :

(i) the alternative retail electric supplier ~~provider~~ first discloses all material terms and conditions of the offer to the consumer ~~subscriber~~;

(ii) the alternative retail electric supplier discloses the utility electric supply price to compare, which shall be the sum of the electric supply charge and the transmission services charge, and shall not include the purchased electricity adjustment, applicable at the time the offer is made to the consumer;

(iii) the alternative retail electric provider discloses the following statement:

"(Name of the alternative retail electric supplier) is not the same entity as your electric delivery company. You are not required to enroll with (name of alternative retail electric supplier). As of (effective date), the electric supply price to compare is currently (price in cents per kilowatt hour). The electric utility electric supply price will expire on (expiration date). The utility electric supply price to compare does not include the purchased electricity adjustment factor that may range between +.5 cents and -.5 cents per kilowatt hour. For more information go to the Illinois Commerce Commission's free website at www.pluginillinois.org.";

(iv) the alternative retail electric supplier has obtained the consumer's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and

(v) the alternative retail electric supplier has confirmed the request for a change in accordance with one of the following procedures: ~~(ii) the provider has obtained the subscriber's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and (iii) the provider has confirmed the request for a change in accordance with one of the following procedures:~~

(A) ~~(a)~~ The new alternative retail electric supplier ~~electric service provider~~ has obtained the consumer's ~~subscriber's~~ written or electronically signed authorization in a

form that meets the following requirements:

(1) An alternative retail electric supplier ~~electric service provider~~ shall obtain any necessary written or electronically signed

authorization from a consumer ~~subscriber~~ for a change in electric service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(2) The letter of agency shall be a separate document (an easily separable

document containing only the authorization language described in subparagraph (5) ~~(a)(5) of this Section~~) whose sole purpose is to authorize an electric service provider change. The letter of agency must be signed and dated by the consumer ~~subscriber~~ requesting the electric service provider change.

(3) The letter of agency shall not be combined with inducements of any kind on

the same document.

(4) Notwithstanding subparagraphs (1) ~~(a)(1)~~ and (2) ~~(a)(2) of this Section~~, the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in subparagraph (5) ~~(a)(5) of this Section~~ and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the face of the check, a notice that the consumer is authorizing an electric service provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(5) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

(i) The consumer's ~~subscriber's~~ billing name and address;

(ii) The decision to change the electric service provider from the current provider to the prospective provider;

(iii) The terms, conditions, and nature of the service to be provided to the consumer ~~subscriber~~ must be clearly and conspicuously disclosed, in writing, and an alternative retail electric supplier ~~electric service provider~~ must directly establish the rates for the service contracted for by the consumer ~~subscriber~~; and

(iv) That the consumer ~~subscriber~~ understand that any alternative retail electric supplier ~~electric service provider~~ selection the consumer ~~subscriber~~ chooses may involve a charge to the consumer ~~subscriber~~ for changing the consumer's ~~subscriber's~~ electric service provider.

(6) Letters of agency shall not suggest or require that a consumer ~~subscriber~~ take some action in order to retain the consumer's ~~subscriber's~~ current electric service provider.

(7) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(B) ~~(b)~~ An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this subsection (b), the consumer's ~~subscriber's~~ oral authorization to change electric suppliers that confirms and includes appropriate verification data. The independent third party (i) must not be owned, managed, controlled, or directed by the supplier or the supplier's marketing agent; (ii) must not have any financial incentive to confirm supplier change requests for the supplier or the supplier's marketing agent; and (iii) must operate in a location physically separate from the supplier or the supplier's marketing agent.

Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this subsection (b) are satisfied.

A supplier or supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established.

All third-party verification methods shall elicit, at a minimum, the following information: (i) the identity of the consumer ~~subscriber~~; (ii) confirmation that the person on the call is authorized to make the supplier change; (iii) confirmation that the person on the call wants to make the supplier change; (iv) the names of the suppliers affected by the change; (v) the service address of the supply to be switched; and (vi) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply. Third-party verifiers may not market the supplier's services by providing additional information, including information regarding procedures to block or otherwise freeze an account against further changes.

All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting suppliers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call. Each disclosure made during the third-party verification must be made individually to obtain clear acknowledgment of each disclosure. The alternative retail electric supplier must be in a location where he or she cannot hear the customer while the third-party verification is conducted. The alternative retail electric supplier shall not contact the customer after the third-party verification for a period of 24 hours unless the customer initiates the contact.

(C) ~~(c)~~ When a consumer ~~subscriber~~ initiates the call to the prospective alternative retail electric supplier ~~electric supplier~~, in order to enroll the consumer ~~subscriber~~ as a

customer, the prospective alternative retail electric supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

(1) the identity of the customer ~~subscriber~~;

(2) confirmation that the person on the call is authorized to make the supplier change;

(3) confirmation that the person on the call wants to make the supplier change;

(4) the names of the suppliers affected by the change;

(5) the service address of the supply to be switched; and

(6) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(b) An alternative retail electric supplier electric service provider also shall not submit or execute a change in a consumer's selection of a provider of electric service unless it complies with the following requirements of this subsection (b). It is a violation of this Section for an alternative retail electric supplier to fail to comply with this subsection (b).

(1) An alternative retail electric supplier shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an alternative retail electric supplier is soliciting on behalf of or is an agent of a utility. An alternative retail electric supplier shall not utilize the name, or any other identifying insignia, graphics, or wording that has been used at any time to represent a public utility company or its services, to identify, label, or define any of its electric power and energy service offers. An alternative retail electric supplier that is an affiliate of an Illinois public utility and that was doing business in Illinois providing alternative retail electric service on January 1, 2016 may continue to use that public utility's name, logo, identifying insignia, graphics, or wording in its business operations occurring outside the service territory of the public utility with which it is affiliated.

(2) During a solicitation, an alternative retail electric supplier shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of, a utility, or a utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements.

(3) Alternative retail electric suppliers who engage in in-person solicitation for the purpose of selling electric power and energy service offered by the alternative retail electric supplier shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following: (i) the alternative retail electric supplier agent's full name in reasonable size font; (ii) an agent identification number; (iii) a photograph of the alternative retail electric supplier agent; and (iv) the trade name and logo of the alternative retail electric supplier the agent is representing. If the agent is selling electric power and energy services from multiple alternative retail electric supplier to the customer, the identification shall display the trade name and logo of the agent, broker, or consultant entity as that entity is defined in Section 16-115C of the Public Utilities Act.

An alternative retail electric supplier agent shall leave the premises at the customer's, owner's, or occupant's request. The alternative retail electric supplier agent shall, during the sales presentation to the customer, verbally disclose all material terms and conditions of the offer. A copy of the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A is to be left with the customer at the conclusion of the visit unless a customer refuses to accept a copy. An alternative retail electric supplier agent may provide the Uniform Disclosure Statement electronically instead of in paper form to a customer upon that customer's request. The alternative retail electric supplier shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number and title, and the alternative retail electric suppliers' name and contact information, including telephone number. The alternative retail electric supplier shall not conduct any in-person solicitations at any building or premises where any sign, notice, or declaration of any description whatsoever is posted that prohibits sales, marketing, or solicitations. The alternative retail electric supplier agent shall obtain consent to enter multi-unit residential dwellings. Consent obtained to enter a multi-unit dwelling from one prospective customer or occupant of the dwelling shall not constitute consent to market to any other prospective customers in the dwelling without separate consent.

(4) An alternative retail electric supplier who contacts customers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and identification number. An

alternative retail electric supplier agent shall, during the sales presentation to the customer, disclose all material terms and conditions of the offer unless the sales presentation is terminated by the customer before the disclosures are completed. Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of 2 years. All telemarketing calls that do not lead to a telephone enrollment, but last at least 2 minutes, shall be recorded and retained for a minimum of 6 months.

(5) An alternative retail electric supplier shall state that he or she represents an independent seller of electric power and energy service certified by the Illinois Commerce Commission. An alternative retail electric supplier shall not state or otherwise imply that he or she is employed by, representing, endorsed by, or acting on behalf of a utility or a utility program, a consumer group or consumer group program, or a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements. The alternative retail electric supplier shall verbally disclose all material terms and conditions of the offer. All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of 2 years. An inbound enrollment call that does not lead to an enrollment, but lasts at least 2 minutes, shall be retained for a minimum of 6 months. The alternative retail electric supplier shall send the Uniform Disclosure Statement and contract to the customer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(6) If an alternative retail electric supplier contacts customers for enrollment for electric power and energy service by direct mail, the direct mail material shall include all material terms and conditions of the products or services offered. Statements in direct mail material shall not claim that the alternative retail electric supplier represents, is endorsed by, or is acting on behalf of a utility or a utility program, a consumer group or program, or a governmental body or program, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements. If a direct mail solicitation includes a written letter of agency, it shall include the Uniform Disclosure Statement described in 83 Ill. Adm. Code 412.115 and 412.Appendix A. The Uniform Disclosure Statement shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written letter of agency is being used to authorize a customer's enrollment, the written letter of agency shall comply with this Section. A copy of the contract must be sent to the customer within 3 business days after the electric utility's confirmation to the alternative retail electric supplier of an accepted enrollment.

(7) Each alternative retail electric supplier offering electric power and energy service to customers online shall clearly and conspicuously make all disclosures for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, or type of service sought. Alternative retail electric suppliers' marketing material shall not make any statements that it is a representative of, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a program run by a consumer group, a governmental body or a program run by a governmental body, unless the alternative retail electric supplier has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements. The Uniform Disclosure Statement must be printable in a portable document format (PDF) and shall be available electronically to the customer. The enrollment website of the alternative retail electric supplier shall, at a minimum, include: (i) disclosure of all material terms and conditions of the offer; (ii) a statement that electronic acceptance of the terms and conditions is an agreement to initiate service and begin enrollment; (iii) a statement that the customer should review the contract or contact the current supplier to learn if any early termination fees are applicable; and (iv) an e-mail address and toll-free phone number of the alternative retail electric supplier where the customer can express a decision to rescind the contract.

(8) If an alternative retail electric supplier seeks to renew a customer's contract, then at least 30 days, but no more than 60 days, before the end of the current contract term the alternative retail electric supplier shall provide to the customer a written notice that includes a side-by-side comparison of the rate the customer is being charged pursuant to the current contract and the rate the customer would be charged pursuant to the renewed contract. An alternative retail electric supplier shall not automatically renew a customer's enrollment after the current term of the contract expires if the customer does not expressly consent to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the current contract term expires and (i) the rate the customer would be charged pursuant to the renewed contract is greater than the rate of the current contract, or (ii) the current contract provides that the customer will be charged a fixed rate and the renewed contract provides the customer will be charged a variable rate.

(9) All solicitations shall be conducted in, translated into, and provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate. An alternative

retail electric supplier shall not solicit an enrollment of or enroll any customer if the alternative retail electric supplier is unable to communicate and provide marketing materials in a language in which the customer subject to the marketing or solicitation is able to understand and communicate and shall comply with Section 2N of this Act.

(10) Customers on a month-to-month variable rate or time-of-use product shall have the right to terminate their contract with the alternative retail electric supplier at any time without any termination fee.

(11) An alternative retail electric supplier shall not submit a change to a customer's electric service provider in violation of Section 16-115E of the Public Utilities Act.

(c) ~~(d)~~ Complaints may be filed with the Illinois Commerce Commission under this Section by a consumer ~~subscriber~~ whose electric service has been provided by an alternative retail electric supplier ~~electric service supplier~~ in a manner not in compliance with this Section. If, after notice and hearing, the Commission finds that an alternative retail electric supplier ~~electric service provider~~ has violated this Section, the Commission may in its discretion do any one or more of the following:

(1) Require the violating alternative retail electric supplier ~~electric service provider~~ to refund to the consumer ~~subscriber~~ charges collected in excess of those that

would have been charged by the consumer's ~~subscriber's~~ authorized electric service provider.

(2) Require the violating alternative retail electric supplier ~~electric service provider~~ to pay to the consumer's ~~subscriber's~~ authorized electric service provider ~~supplier~~ the amount the

authorized electric service provider ~~electric supplier~~ would have collected for the electric service. The Commission is authorized to reduce this payment by any amount already paid by the violating alternative retail electric supplier ~~electric supplier~~ to the consumer's ~~subscriber's~~ authorized provider for electric service.

(3) Require the violating alternative retail electric supplier ~~subscriber~~ to pay a fine of up to $1,000 into the Public

Utility Fund for each repeated and intentional violation of this Section.

(4) Issue a cease and desist order.

(5) For a pattern of violation of this Section or for intentionally violating a cease

and desist order, revoke the violating alternative retail electric supplier's ~~provider's~~ certificate of service authority.

(d) ~~(c)~~ For purposes of this Section :

"Electric" ~~, "electric~~ service provider" shall have the meaning given that phrase in Section 6.5 of the Attorney General Act.

"Alternative retail electric supplier" has the meaning given to that term in Section 16-102 of the Public Utilities Act.

(Source: P.A. 95-700, eff. 11-9-07.)

(815 ILCS 505/2DDD)

Sec. 2DDD. Alternative gas suppliers.

(a) Definitions.

(1) "Alternative gas supplier" has the same meaning as in Section 19-105 of the Public

Utilities Act.

(2) "Gas utility" has the same meaning as in Section 19-105 of the Public Utilities Act.

(b) It is an unfair or deceptive act or practice within the meaning of Section 2 of this Act for any person to violate any provision of this Section.

(c) Solicitation.

(1) An alternative gas supplier shall not utilize the name of a public utility in any manner that is deceptive or misleading, including, but not limited to, implying or otherwise leading a customer to believe that an alternative retail gas supplier is soliciting on behalf of or is an agent of a utility. An alternative retail gas supplier shall not utilize the name, or any other identifying insignia, graphics, or wording, that has been used at any time to represent a public utility company or its services or to identify, label, or define any of its electric power and energy service offers and shall not misrepresent the affiliation of any

alternative supplier with the gas utility, governmental bodies, or consumer groups.

(2) If any sales solicitation, agreement, contract, or verification is translated into

another language and provided to a customer, all of the documents must be provided to the customer in that other language.

(2.3) An alternative retail gas supplier shall state that it represents an independent seller of gas certified by the Illinois Commerce Commission and that he or she is not employed by, representing, endorsed by, or acting on behalf of a utility, or a utility program.

(2.5) All solicitations shall be conducted in, translated into, and provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate. An alternative

retail electric supplier shall not solicit an enrollment of or enroll any customer if the alternative retail electric supplier is unable to communicate and provide marketing materials in a language in which the customer subject to the marketing or solicitation is able to understand and communicate and shall comply with Section 2N of this Act.

(3) An alternative gas supplier shall clearly and conspicuously disclose the following information to all customers:

(A) the prices, terms, and conditions of the products and services being sold to the customer;

(B) where the solicitation occurs in person, including through door-to-door solicitation, the salesperson's name;

(C) the alternative gas supplier's contact information, including the address, phone number, and website;

(D) contact information for the Illinois Commerce Commission, including the toll-free number for consumer complaints and website;

(E) a statement of the customer's right to rescind the offer within 10 business days of the date on the utility's notice confirming the customer's decision to switch suppliers, as well as phone numbers for the supplier and utility that the consumer may use to rescind the contract; ~~and~~

(F) the amount of the early termination fee, if any; and ~~.~~

(G) the utility gas supply cost rates per therm price to compare available from the Illinois Commerce Commission website applicable at the time the alternative retail gas supplier is offering or selling the products or services to the customer and shall disclose the following statement:

"(Name of the alternative retail gas supplier) is not the same entity as your gas delivery company. You are not required to enroll with (name of alternative retail gas supplier). On (effective date), the utility gas supply cost rate per therm is (cost). The utility gas supply cost will expire on (expiration date). For more information go to the Illinois Commerce Commission's free website at www.icc.illinois.gov/ags/consumereducation.aspx.".

(4) Except as provided in paragraph (5) of this subsection (c), an alternative gas supplier shall send the information described in paragraph (3) of this subsection (c) to all customers within one business day of the authorization of a switch.

(5) An alternative gas supplier engaging in door-to-door solicitation of consumers shall provide the information described in paragraph (3) of this subsection (c) during all door-to-door solicitations that result in a customer deciding to switch their supplier.

(d) Customer Authorization. An alternative gas supplier shall not submit or execute a change in a customer's selection of a natural gas provider unless and until (i) the alternative gas supplier first discloses all material terms and conditions of the offer to the customer; (ii) the alternative gas supplier has obtained the customer's express agreement to accept the offer after the disclosure of all material terms and conditions of the offer; and (iii) the alternative gas supplier has confirmed the request for a change in accordance with one of the following procedures:

(1) The alternative gas supplier has obtained the customer's written or electronically signed authorization in a form that meets the following requirements:

(A) An alternative gas supplier shall obtain any necessary written or electronically signed authorization from a customer for a change in natural gas service by using a letter of agency as specified in this Section. Any letter of agency that does not conform with this Section is invalid.

(B) The letter of agency shall be a separate document (or an easily separable document containing only the authorization language described in item (E) of this paragraph (1)) whose sole purpose is to authorize a natural gas provider change. The letter of agency must be signed and dated by the customer requesting the natural gas provider change.

(C) The letter of agency shall not be combined with inducements of any kind on the same document.

(D) Notwithstanding items (A) and (B) of this paragraph (1), the letter of agency may be combined with checks that contain only the required letter of agency language prescribed in item (E) of this paragraph (1) and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold face type on the face of the check, a notice that the consumer is authorizing a natural gas provider change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency must be printed with a print of sufficient size to be clearly legible, and must contain clear and unambiguous language that confirms:

(i) the customer's billing name and address;

(ii) the decision to change the natural gas provider from the current provider to the prospective alternative gas supplier;

(iii) the terms, conditions, and nature of the service to be provided to the customer, including, but not limited to, the rates for the service contracted for by the customer; and

(iv) that the customer understands that any natural gas provider selection the customer chooses may involve a charge to the customer for changing the customer's natural gas provider.

(F) Letters of agency shall not suggest or require that a customer take some action in order to retain the customer's current natural gas provider.

(G) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(2) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in this paragraph (2), the customer's oral authorization to change natural gas providers that confirms and includes appropriate verification data. The independent third party must (i) not be owned, managed, controlled, or directed by the alternative gas supplier or the alternative gas supplier's marketing agent; (ii) not have any financial incentive to confirm provider change requests for the alternative gas supplier or the alternative gas supplier's marketing agent; and (iii) operate in a location physically separate from the alternative gas supplier or the alternative gas supplier's marketing agent. Automated third-party verification systems and 3-way conference calls may be used for verification purposes so long as the other requirements of this paragraph (2) are satisfied. A alternative gas supplier or alternative gas supplier's sales representative initiating a 3-way conference call or a call through an automated verification system must drop off the call once the 3-way connection has been established. All third-party verification methods shall elicit, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be provided and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Third-party verifiers may not market the alternative gas supplier's services. All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Submitting alternative gas suppliers shall maintain and preserve audio records of verification of customer authorization for a minimum period of 2 years after obtaining the verification. Automated systems must provide customers with an option to speak with a live person at any time during the call. Each disclosure made during the third-party verification must be made individually to obtain clear acknowledgment of each disclosure. The alternative retail gas supplier must be in a location where he or she cannot hear the customer while the third-party verification is conducted. The alternative retail gas supplier shall not contact the customer after the third-party verification for a period of 24 hours unless the customer initiates the contact.

(3) The alternative gas supplier has obtained the customer's electronic authorization to change natural gas service via telephone. Such authorization must elicit the information in paragraph (2)(A) through (F) of this subsection (d). Alternative gas suppliers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number or numbers shall connect a customer to a voice response unit, or similar mechanism, that makes a date-stamped, time-stamped recording of the required information regarding the alternative gas supplier change.

The alternative gas supplier shall not use such electronic authorization systems to market its services.

(4) When a consumer initiates the call to the prospective alternative gas supplier, in order to enroll the consumer as a customer, the prospective alternative gas supplier must, with the consent of the customer, make a date-stamped, time-stamped audio recording that elicits, at a minimum, the following information:

(A) the identity of the customer;

(B) confirmation that the person on the call is authorized to make the provider change;

(C) confirmation that the person on the call wants to make the provider change;

(D) the names of the providers affected by the change;

(E) the service address of the service to be switched; and

(F) the price of the service to be supplied and the material terms and conditions of the service being offered, including whether any early termination fees apply.

Submitting alternative gas suppliers shall maintain and preserve the audio records containing the information set forth above for a minimum period of 2 years.

(5) In the event that a customer enrolls for service from an alternative gas supplier via an Internet website, the alternative gas supplier shall obtain an electronically signed letter of agency in accordance with paragraph (1) of this subsection (d) and any customer information shall be protected in accordance with all applicable statutes and rules. In addition, an alternative gas supplier shall provide the following when marketing via an Internet website:

(A) The Internet enrollment website shall, at a minimum, include:

(i) a copy of the alternative gas supplier's customer contract, which clearly and conspicuously discloses all terms and conditions; and

(ii) a conspicuous prompt for the customer to print or save a copy of the contract.

(B) Any electronic version of the contract shall be identified by version number, in order to ensure the ability to verify the particular contract to which the customer assents.

(C) Throughout the duration of the alternative gas supplier's contract with a customer, the alternative gas supplier shall retain and, within 3 business days of the customer's request, provide to the customer an e-mail, paper, or facsimile of the terms and conditions of the numbered contract version to which the customer assents.

(D) The alternative gas supplier shall provide a mechanism by which both the submission and receipt of the electronic letter of agency are recorded by time and date.

(E) After the customer completes the electronic letter of agency, the alternative gas supplier shall disclose conspicuously through its website that the customer has been enrolled and the alternative gas supplier shall provide the customer an enrollment confirmation number.

(6) When a customer is solicited in person by the alternative gas supplier's sales agent, the alternative gas supplier may only obtain the customer's authorization to change natural gas service through the method provided for in paragraph (2) of this subsection (d).

Alternative gas suppliers must be in compliance with the provisions of this subsection (d) within 90 days after the effective date of this amendatory Act of the 95th General Assembly.

(e) Early Termination.

(1) Any agreement that contains an early termination clause shall disclose the amount of the early termination fee, provided that any early termination fee or penalty shall not exceed $50 total, regardless of whether or not the agreement is a multiyear agreement. Customers on a month-to-month variable rate or time-of-use product shall have the right to terminate their contract with the alternative retail gas supplier at any time without any termination fee.

(2) In any agreement that contains an early termination clause, an alternative gas supplier shall provide the customer the opportunity to terminate the agreement without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the alternative gas supplier. The agreement shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the agreement.

(f) The alternative gas supplier shall provide each customer the opportunity to rescind its agreement without penalty within 10 business days after the date on the gas utility notice to the customer. The alternative gas supplier shall disclose to the customer all of the following:

(1) that the gas utility shall send a notice confirming the switch;

(2) that from the date the utility issues the notice confirming the switch, the customer shall have 10 business days before the switch will become effective;

(3) that the customer may contact the gas utility or the alternative gas supplier to rescind the switch within 10 business days; and

(4) the contact information for the gas utility and the alternative gas supplier.

The alternative gas supplier disclosure shall be included in its sales solicitations, contracts, and all applicable sales verification scripts.

(f-5) An alternative retail gas supplier must also comply with the following requirements of this subsection (f-5). It is a violation of this Section for an alternative retail electric supplier to fail to comply with this subsection (f-5).

(1) If an alternative retail gas supplier seeks to renew a customer's contract, then at least 30 days, but no more than 60 days, before the end of the current contract term the alternative retail gas supplier shall provide to the customer a written notice that includes a side-by-side comparison of the rate the customer

is being charged pursuant to the current contract and the rate the customer would be charged pursuant to the renewed contract. An alternative retail gas supplier shall not automatically renew a customer's enrollment after the current term of the contract expires if the customer does not expressly consent to the contract renewal in writing or by electronic signature at least 30 days, but no more than 60 days, before the current contract term expires and (i) the rate the customer would be charged pursuant to the renewed contract is greater than the rate of the current contract, or (ii) the current contract provides that the customer will be charged a fixed rate and the renewed contract provides the customer will be charged a variable rate.

(2) An alternative retail electric gas shall not submit a change to a customer's gas service provider in violation of Section 19-116 of the Public Utilities Act.

(g) The provisions of this Section shall apply only to alternative gas suppliers serving or seeking to serve residential and small commercial customers and only to the extent such alternative gas suppliers provide services to residential and small commercial customers.
(Source: P.A. 97-333, eff. 8-12-11.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 651

AMENDMENT NO. 3. Amend Senate Bill 651, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 5, line 1, by replacing "On" with "Beginning on"; and

on page 8, line 21, after "electric supplier", by inserting "and a consumer who either received financial assistance in the last 12 months from the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan"; and

on page 9, by replacing lines 3 through 5 with the following:
"either received financial assistance within the preceding 12 months from the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan and, if its records so"; and

on page 18, line 9, after "direction", by inserting "to the utility"; and

on page 21, line 9, by replacing "quarter" with "year"; and

on page 32, line 14, by replacing "telephone solicitations" with "telephone solicitations,"; and

on page 32, line 17, by replacing "terms" with "terms,"; and

on page 32, line 22, after "customer", by inserting "and shall disclose the date on which the utility gas supply cost rates per therm became effective and the date on which they will expire"; and

on page 33, by replacing line 4 with the following:
"retail gas supplier). Beginning on (effective date), the utility"; and

on page 33, line 17, after the period, by inserting "This written information shall be provided in a language in which the customer subject to the marketing or solicitation is able to understand and communicate, and the alternative retail gas supplier shall comply with Section 2N of the Consumer Fraud and Deceptive Business Practices Act."; and

on page 38, by replacing lines 8 through 14 with the following:
"indicate that the customer either received financial assistance in the last 12 months from the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan, unless the"; and

on page 39, by replacing lines 5 through 18 with the following:
"gas supplier and a consumer who either received financial assistance in the last 12 months from the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage

of Income Payment Plan is void and unenforceable. Before the gas utility executes a change in a customer's supplier, other than a change pursuant to a Commission-approved savings guarantee plan as described in subsection (b), the gas utility shall confirm at the time of the request that its records do not indicate that the customer either received financial assistance within the preceding 12 months from the Low Income Home Energy Assistance Program or, at the time of enrollment, is participating in the Percentage of Income Payment Plan and, if its records so"; and

on page 55, line 2, by replacing "An" with "During an inbound enrollment call, an"; and

on page 63, line 25, by replacing "On" with "Beginning on".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 651** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 43; NAYS 10.

The following voted in the affirmative:

Aquino	Curran	Hutchinson	Muñoz
Belt	DeWitte	Jones, E.	Murphy
Bennett	Ellman	Koehler	Peters
Bertino-Tarrant	Fine	Landek	Sandoval
Brady	Fowler	Lightford	Sims
Bush	Gillespie	Link	Stadelman
Castro	Glowiak	Manar	Steans
Collins	Harris	Martinez	Van Pelt
Crowe	Hastings	McGuire	Villivalam
Cullerton, T.	Holmes	Morrison	Mr. President
Cunningham	Hunter	Mulroe	

The following voted in the negative:

Anderson	Plummer	Schimpf	Tracy
Barickman	Rezin	Stewart	
Oberweis	Rose	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Villivalam, **Senate Bill No. 104** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 104

AMENDMENT NO. 2. Amend Senate Bill 104 by replacing everything after the enacting clause with the following:

"Section 5. The State Prompt Payment Act is amended by changing Sections 1 and 7 as follows:

(30 ILCS 540/1) (from Ch. 127, par. 132.401)

Sec. 1. This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services furnished to the State.

For purposes of this Act, "goods or services furnished to the State" include but are not limited to (i) covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971, including coverage through a physician-owned health maintenance organization under Section 6.1 of that Act, (ii) prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services provided by a vendor, and (iii) prevention, intervention, or treatment services and supports for youth provided by a vendor by virtue of a contractual grant agreement. For the purposes of items (ii) and (iii), a vendor includes but is not limited to sellers of goods and services, including community-based organizations that are licensed to provide prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental illness, and substance abuse problems, or that provides prevention, intervention, or treatment services and supports for youth.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

As used in this Act, "a proper bill or invoice" means a bill or invoice, including, but not limited to, an invoice issued under a contractual grant agreement, that includes the information necessary for processing the payment as may be specified by a State agency and in rules adopted in accordance with this Act. Beginning on and after July 1, 2021, "a proper bill or invoice" shall also include the names of all subcontractors or subconsultants to be paid from the bill or invoice and the amounts due to each of them, if any.

(Source: P.A. 100-549, eff. 1-1-18.)

(30 ILCS 540/7) (from Ch. 127, par. 132.407)

Sec. 7. Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information.

(a-5) When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier electronically within 7 business days or, if paid by a printed check, the printed check must be postmarked within 7 business days after receiving payment in proportion to the work completed by each subcontractor and material supplier its application or pay estimate, plus interest received under this Act. When a contractor receives any payment, the contractor shall pay each lower-tiered subcontractor and material supplier and each subcontractor and material supplier shall make payment to its own respective subcontractors and material suppliers. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, plus interest received under this Act, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment each has earned. When, however, the State official or agency does not release the full payment due under the contract because there are specific areas of work or materials the State agency or official has determined are not suitable for payment, then those specific subcontractors or material suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid based upon the amount of payment each has earned, plus interest received under this Act.

(a-10) For construction contracts with the Department of Transportation, the contractor, subcontractor, or material supplier, regardless of tier, shall not offset, decrease, or diminish payment or payments that are due to its subcontractors or material suppliers without reasonable cause.

A contractor, who refuses to make prompt payment within 7 business days after receiving payment, in whole or in part, shall provide to the subcontractor or material supplier and the public owner or its agent, a written notice of that refusal. The written notice shall be made by a contractor no later than 5 calendar days after payment is received by the contractor. The written notice shall identify the Department of Transportation's contract, any subcontract or material purchase agreement, a detailed reason for refusal, the value of the payment to be withheld, and the specific remedial actions required of the subcontractor or material supplier so that payment may be made. Written notice of refusal may be given in a form and method which is acceptable to the parties and public owner.

(b) If the contractor, without reasonable cause, fails to make full payment of amounts due under subsection (a) to its subcontractors and material suppliers within 7 business days ~~15 calendar days~~ after receipt of payment from the State official or agency, the contractor shall pay to its subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 7-business-day ~~15-day~~ period until fully paid. This subsection shall further apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection (a-5) within 7 business days ~~15 calendar days~~ after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may file a written notice and request for administrative hearing with the State official or agency setting forth the amount owed by the contractor and the contractor's failure to timely pay the amount owed. The written notice and request for administrative hearing shall identify the public construction contract, the contractor, and the amount owed, and shall contain a sworn statement or attestation to verify the accuracy of the notice. The notice and request for administrative hearing shall be filed with the State official for the public construction contract, with a copy of the notice concurrently provided to the contractor. Notice to the State official may be made by certified or registered mail, messenger service, or personal service, and must include proof of delivery to the State official.

(2) The State official or agency, within 15 calendar days after receipt of a subcontractor's or material supplier's written notice and request for administrative hearing, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors or material suppliers and what amount, if any, is due to the subcontractors or material suppliers, and the reasonable cause or causes asserted by the contractor. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, or material supplier has the right to be represented by counsel at a hearing and to cross-examine witnesses and challenge documents. Upon the request of the subcontractor or material supplier and a showing of good cause, reasonable continuances may be granted by the administrative law judge.

(3) Upon a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a-10), then the administrative law judge shall, in writing, order the contractor to pay the amount owed to the subcontractors or material suppliers plus interest within 15 calendar days after the order.

(4) If a contractor fails to make full payment as ordered under paragraph (3) of this subsection (b) within 15 days after the administrative law judge's order, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's order.

(5) If, on 2 or more occasions within a 3-calendar-year period, there is a finding by an administrative law judge that the contractor failed to make payment in full, without reasonable cause, and a written order was issued to a contractor under paragraph (3) of this subsection (b), then the contractor shall be barred from entering into a State public construction contract for a period of 6 months beginning on the date of the administrative law judge's second written order, even if the payments required under the orders were made in full.

(6) If a contractor fails to make full payment as ordered under paragraph (4) of this subsection (b), the subcontractor or material supplier may, within 30 days of the date of that order, petition the State agency for an order for reasonable attorney's fees and costs incurred in the prosecution of the action under this subsection (b). Upon that petition and taking of additional evidence, as may be

required, the administrative law judge may issue a supplemental order directing the contractor to pay those reasonable attorney's fees and costs.

(7) The written order of the administrative law judge shall be final and appealable under the Administrative Review Law.

(b-5) On or before July 2021, the Department of Transportation shall publish on its website a searchable database that allows for queries by the name of a subcontractor or the pay item such that each pay item is associated with either the prime contractor or a subcontractor.

(c) This Section shall not be construed to in any manner diminish, negate, or interfere with the contractor-subcontractor or contractor-material supplier relationship or commercially useful function.

(d) This Section shall not preclude, bar, or stay the rights, remedies, and defenses available to the parties by way of the operation of their contract, purchase agreement, the Mechanics Lien Act, or the Public Construction Bond Act.

(e) State officials and agencies may adopt rules as may be deemed necessary in order to establish the formal procedures required under this Section.

(f) As used in this Section:

"Payment" means the discharge of an obligation in money or other valuable consideration or thing delivered in full or partial satisfaction of an obligation to pay. "Payment" shall include interest paid pursuant to this Act.

"Reasonable cause" may include, but is not limited to, unsatisfactory workmanship or materials; failure to provide documentation required by the contract, subcontract, or material purchase agreement; claims made against the Department of Transportation or the subcontractor pursuant to subsection (c) of Section 23 of the Mechanics Lien Act or the Public Construction Bond Act; judgments, levies, garnishments, or other court-ordered assessments or offsets in favor of the Department of Transportation or other State agency entered against a subcontractor or material supplier. "Reasonable cause" does not include payments issued to the contractor that create a negative or reduced valuation pay application or pay estimate due to a reduction of contract quantities or work not performed or provided by the subcontractor or material supplier; the interception or withholding of funds for reasons not related to the subcontractor's or material supplier's work on the contract; anticipated claims or assessments of third parties not a party related to the contract or subcontract; asserted claims or assessments of third parties that are not authorized by court order, administrative tribunal, or statute. "Reasonable cause" further does not include the withholding, offset, or reduction of payment, in whole or in part, due to the assessment of liquidated damages or penalties assessed by the Department of Transportation against the contractor, unless the subcontractor's performance or supplied materials were the sole and proximate cause of the liquidated damage or penalty. (Source: P.A. 100-43, eff. 8-9-17; 100-376, eff. 1-1-18; 100-863, eff. 8-14-18.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 104

AMENDMENT NO. 3. Amend Senate Bill 104, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 9, line 1, after "queries", by inserting "for each active construction contract".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Villivalam, **Senate Bill No. 104** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 17.

The following voted in the affirmative:

Aquino	Ellman	Koehler	Murphy
Belt	Fine	Landek	Peters
Bennett	Glowiak	Lightford	Sandoval
Bertino-Tarrant	Harmon	Link	Sims
Bush	Harris	Manar	Steans
Castro	Hastings	Martinez	Van Pelt
Collins	Hunter	McGuire	Villivalam
Crowe	Hutchinson	Mulroe	Mr. President
Cunningham	Jones, E.	Muñoz	

The following voted in the negative:

Anderson	McClure	Rose	Weaver
Barickman	Oberweis	Schimpf	Wilcox
Brady	Plummer	Stewart	
Curran	Rezin	Syverson	
DeWitte	Righter	Tracy	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

SENATE BILL RECALLED

On motion of Senator Hutchinson, **Senate Bill No. 471** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was postponed in the Committee on Executive.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 471

AMENDMENT NO. 2. Amend Senate Bill 471 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Healthy Workplace Act.

Section 5. Findings and purpose.

(a) The General Assembly finds:

(1) Nearly every worker in the State is likely to need time off to attend to his or her own illness or that of a family member. More than 30% of all private sector workers in Illinois (almost 2,000,000 people) have no right to a paid sick day. Over three-fourths of the lowest-wage workers do not receive paid sick time and cannot forfeit a day's work, so they often come into work sick.

(2) Preventive and routine medical care helps avoid illness and injury by detecting illnesses early on and shortening the duration of illnesses. Providing employees with time off to attend to their own health care needs ensures that they will be healthier and more efficient employees. It will also reduce the spread of disease within workplaces and to the public, such as customers, when employees go to work sick, a practice known as "presenteeism". Routine medical care results in savings by detecting and treating illness and injury early and decreasing the need for emergency care. These savings benefit public and private payers of health insurance.

(3) When the school of a worker's child is closed because of extreme weather, it is often at the last minute and workers cannot find someone to babysit, so they are forced to stay at home to take care of their children.

(4) Nearly one-quarter of American women report domestic violence and nearly one in 5 women report experiencing rape at some time during their lives. Many workers, men and women, need time off to care for their health after these incidents or to take legal action. Without paid time off, victims are in danger of losing their jobs.

(5) Employed individuals who have court appointments, sentencing hearings, probation, conditional discharge, parole, or mandatory supervised release requirements, or are visiting a family member in jail or prison need paid time off work so that their families do not fall further into economic jeopardy and so that they are not further penalized, as these court-related events are frequently scheduled during work hours.

(6) Employers that provide paid sick time see better productivity, reduced flu contagion, and lower turnover, which saves them the costs of replacing and training workers.

(b) This Act is enacted to establish the Healthy Workplace Act to provide at least a minimum time-off standard of paid sick time for all workers.

Section 10. Definitions. As used in this Act:

"Child" means a son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, a child of a person standing in loco parentis, or any other individual whose close association with the employee is the equivalent of a child.

"Construction industry" means any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, wrecking, painting, decorating, demolishing, or adding to or subtracting from any building, structure, highway, roadway, street, bridge, alley, sewer, ditch, sewage disposal plant, waterworks, parking facility, railroad, excavation or other structure, project, development, real property, or improvement, or to do any part thereof, whether or not the performance of the work herein described involves the addition to or fabrication into, any structure, project, development, real property, or improvement herein described of any material or article of merchandise.

"Construction industry" also includes moving construction related materials on the job site or to or from the job site, snow plowing, snow removal, and refuse collection.

"Department" means the Illinois Department of Labor.

"Employ" means to suffer or permit to work.

"Employee" means any person who performs services for an employer for wage, remuneration, or other compensation. This includes persons working any number of hours, including a full-time or part-time status.

"Employee" does not include any person who the employer establishes:

(A) has been and will continue to be free from control and direction over the performance of their work, both under a contract of service and in fact;

(B) is engaged in an independently established trade, occupation, profession or business; or

(C) is deemed a legitimate sole proprietor or partnership.

A sole proprietor or partnership shall be deemed to be legitimate if the employer establishes that:

(1) the sole proprietor or partnership is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the employer for whom the service is provided to specify the desired result;

(2) the sole proprietor or partnership is not subject to cancellation or destruction upon severance of the relationship with the employer;

(3) the sole proprietor or partnership has a substantial investment of capital in the sole proprietorship or partnership beyond the ordinary tools and equipment and a personal vehicle;

(4) the sole proprietor or partnership owns the capital goods and gains the profits and bears the losses of the sole proprietorship or partnership;

(5) the sole proprietor or partnership makes its services available to the general public on a continuing basis;

(6) the sole proprietor or partnership includes services rendered on a Federal Income Tax Schedule as an independent business or profession;

(7) the sole proprietor or partnership performs services for the contractor under the sole proprietor's or partnership's name;

(8) when the services being provided require a license or permit, the sole proprietor or partnership obtains and pays for the license or permit in the sole proprietorship's or partnership's name;

(9) the sole proprietor or partnership furnishes the tools and equipment necessary to provide the service;

(10) if necessary, the sole proprietor or partnership hires its own employees without approval of the employer, pays the employees without reimbursement from the employer and reports the employees' income to the Internal Revenue Service;

(11) the employer does not represent the sole proprietorship or partnership as an

employee of the employer to the public; and

(12) the sole proprietor or partnership has the right to perform similar services for others on whatever basis and whenever it chooses.

"Employee" does not include any employee of an employer subject to the Railway Labor Act.

Nothing in this Act shall hinder or prohibit the ability of an exempted employee from taking uncompensated time off due to any reason for leave allowable for paid sick time under Section 15.

"Employer" means any individual; person; partnership; association; corporation; limited liability company; business trust; employment or labor placement agency or business where wages are made directly or indirectly by the agency or business for work undertaken by the employee under hire to a third party pursuant to a contact between the agency or business with the third party; the State of Illinois and local governments; or any political subdivision of the State or local government, or State or local government agency; for which one or more persons is gainfully employed, express or implied, whether lawfully or unlawfully employed, who employs a worker or who employs a worker not excluded as an employee pursuant to the definition of "employee" or, notwithstanding any other law, who is the employer or joint employer for collective bargaining purposes of a bargaining unit of employees. "Employer" does not include school districts organized under the School Code, park districts organized under the Park District Code, or any City of Chicago Sister Agency under the Chicago Minimum Wage and Paid Sick Leave Ordinance as of the effective date of this Act.

"Family member" means a child, spouse, parent, child or parent of an employee's spouse, sibling, grandparent, grandchild, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship.

"Health care provider" means a person:

(1) who is:

(A) licensed to practice medicine in all of its branches in Illinois and possesses the degree of doctor of medicine;

(B) licensed to practice medicine in all of its branches in Illinois and possesses the degree of doctor of osteopathy or osteopathic medicine;

(C) licensed to practice medicine in all of its branches or as an osteopathic physician in another state or jurisdiction;

(D) a chiropractic physician licensed under the Medical Practice Act of 1987; or

(E) any other person determined by final rule as of the date this Act becomes law under the Family and Medical Leave Act of 1993; and

(2) who is not employed by an employer to whom the provider issues certifications under this Act.

"Paid sick time" means a portion of or an entire scheduled or regular workday when an employee is unable to report to work because of a reason described in subsection (b) of Section 15.

"Parent" means a biological, adoptive, or foster parent, a stepparent, a parent of a legal ward, a person who stands in loco parentis to an employee or an employee's spouse, or any other individual whose close association with the employee is the equivalent of a parent.

"Spouse" means a party to a marriage or a party to a civil union as defined by law.

"Victim services organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence, including rape crisis centers, organizations carrying out a domestic violence program, organizations operating a shelter or providing counseling services, and a legal services organization or other organization providing assistance through the legal process.

Section 15. Provision of paid sick time.

(a) An employee who works in Illinois who is absent from work for a reason set forth in subsection (b) is entitled to earn and use a minimum of 40 hours of paid sick time during a 12-month period or a pro rata number of hours of paid sick time under the provisions of subsection (c). The 12-month period for an employee shall be calculated annually from the date of hire or the effective date of this Act, whichever is later.

(b) Paid sick time shall be provided to an employee by an employer to:

(1) care for the employee's own physical or mental illness, injury, or health condition, or seek medical diagnosis or care, or attend a medical appointment;

(2) care for the employee's family member who is suffering from a physical or mental illness, injury, or health condition, or seek medical diagnosis or care, or attend a medical appointment;

(3) care for a child whose school or place of care has been closed by order of a public official due to a public health emergency or to not go in to work because of the closure of the employee's place of business by order of a public official due to a public health emergency;

(4) be absent from work because the employee or the employee's family member is the victim of:

(A) domestic violence as defined in Section 103(3) of the Illinois Domestic Violence Act of 1986; or

(B) sexual violence, which means:

(i) any conduct proscribed by Article 11 of the Criminal Code of 2012 except Sections 11-35 and 11-45;

(ii) Sections 12-7.3, 12-7.4, and 12-7.5 of the Criminal Code of 2012, or

(iii) a similar provision of the Criminal Code of 1961; or

(5) be absent from work to visit the employee's family member who is in jail or prison, for the employee to attend his or her own or his or her family member's appointment regarding court sentencing, probation, conditional discharge, parole, or mandatory supervised release requirements, or any other civil or criminal court hearing or trial.

(c) Paid sick time shall accrue at the rate of one hour of paid sick time for every 40 hours worked up to a minimum of 40 hours of paid sick time unless the employer selects a higher limit. Employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40 hours in each work week for purposes of paid sick time accrual unless their normal work week is less than 40 hours, in which case paid sick time accrues based on that normal work week. Employees shall determine how much paid sick time they need to use, provided that employers may set a reasonable minimum increment for the use of paid sick time not to exceed 4 hours per day.

(d) Employees shall be paid their regular rate of pay for paid sick time. However, employees engaged in an occupation in which gratuities or commissions have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes shall be paid by their employer at least the full minimum wage in the jurisdiction in which they are employed when paid sick time is taken. Paid sick time under this Act shall not be charged or otherwise credited to employee vacation accounts.

(e) Paid sick time shall begin to accrue at the commencement of employment or on the effective date of this Act, whichever is later. Employees shall be entitled to begin using paid sick time 180 days following commencement of their employment or 180 days following the effective date of this Act, whichever is later. Nothing in this Section shall be construed to discourage or prohibit an employer from allowing the use of paid sick time at an earlier date than this Section requires. Nothing in this Act shall be construed to discourage employers from adopting or retaining paid sick time policies more generous than policies that comply with the requirements of this Act.

(f) An employer may require certification of the qualifying illness, injury, or health condition, or for time used pursuant to item (1) or (2) of subsection (b), when paid sick time used covers more than 3 consecutive workdays. Any reasonable documentation signed by a health care provider of the employee's choice involved in following or treating the illness, injury, or health condition, and indicating the need for the amount of sick time taken, shall be deemed acceptable certification. Nothing in this Act shall be construed to require an employee to provide as certification any information from a health care provider that would be a disclosure in violation of Section 1177 of the Social Security Act or the regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996. If an employer possesses health information or any information related to domestic or sexual violence about an employee or employee's family member, the information shall be treated as confidential and not disclosed except with the permission of the affected employee. For paid sick time used pursuant to item (4) of subsection (b), any one of the following is acceptable documentation, and only one of the following shall be required: a police report, court document, any reasonable documentation signed by a health care provider, or signed statement from an attorney, a member of the clergy, a victim services organization or advocate, or the employee. It is up to the employee to determine which documentation to submit. If a document has been submitted, the employer shall not request or require any other document if the reason for the sick time is related to the same incident of violence or the same perpetrator of the violence. The employer shall not delay the commencement of leave taken for purposes of subsection (b) nor delay pay for this period on the basis that the employer has not yet received the certification.

(g) Paid sick time shall be provided upon the oral request of an employee. If the necessity for paid sick time under this Act is foreseeable, the employee shall provide the employer with not less than 7 days' notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as soon as is practical after the employee is aware of the necessity of the leave. An employer may not require, as a condition of providing paid sick time under this Act, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick time leave.

(h) Paid sick time shall carry over annually to the extent not used by the employee, provided that nothing in this Act shall be construed to require an employer to allow use of more than 40 hours of paid sick time for an employee unless the employer agrees to do so.

(i) It is unlawful for an employer to interfere with, restrain, deny, change work days or hours scheduled to avoid paying sick time, or discipline an employee for the exercise of, or the attempt to exercise, any right provided under or in connection with this Act, including considering the use of paid sick time as a negative factor in an employment action that involves hiring, terminating, evaluating, promoting, disciplining, or counting the paid sick time under a no-fault attendance policy.

(j) During any period an employee takes leave under this Act, the employer shall maintain coverage for the employee and any family member under any group health plan for the duration of such leave at at least the level and conditions of coverage as would have been provided if the employee had not taken the leave.

(k) Nothing in this Section shall be construed as requiring financial or other payment to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued paid sick time that has not been used.

(l) Nothing in this Section shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against an employee who uses paid sick time provided pursuant to this Act for purposes other than those described in this Section.

(m) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity, or location and is entitled to use all paid sick time as provided in this Section. If there is a separation from employment and the employee is rehired within 12 months of separation by the same employer, previously accrued paid sick time that had not been used shall be reinstated. The employee shall be entitled to use accrued paid sick time at the commencement of employment following a separation from employment of 12 months or less.

(n) Nothing in this Section shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Act. Nothing in this Section shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in force on the effective date of this Act. After the effective date of this Act, requirements of this Section may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms. In no event shall this Section apply to any employee working in the construction industry who is covered by a bona fide collective bargaining agreement.

Section 20. Related employer responsibilities.

(a) An employer subject to any provision of this Act shall make and preserve records documenting hours worked by employees and the amount of paid sick time taken by employees for a period of not less than 3 years and shall allow the Department access to such records, with appropriate notice and a mutually agreeable time, to monitor compliance with the requirements of this Section. In addition, the records shall be preserved for the duration of any claim pending pursuant to Section 35.

(b) An agreement by employees to waive their rights under this Act, except as allowed under subsection (n) of Section 15, is void as against public policy.

(c) Employers who have a paid time off policy that complies with the requirements of this Act are not required to modify the policy if such policy offers an employee the option, at the employee's discretion, to take paid sick time that is at least equivalent to the paid sick time described in this Act.

(d) An employer shall post and keep posted in a conspicuous place on the premises of the employer where notices to employees are customarily posted, and include in an employee manual or policy if the employer has one, a notice, to be prepared by the Department, summarizing the requirements of this Act and information pertaining to the filing of a charge. If an employer's workforce is comprised of a significant portion of workers who are not literate in English, the employer is responsible for providing the notice in a language in which the employees are literate. An employer who willfully violates the notice and posting requirements of this Section shall be subject to a civil penalty to be paid to the employee in an amount not to exceed $100 for each separate offense.

Section 25. Unlawful employer practices. It is unlawful for any employer to take any adverse action against an employee because the employee (1) exercises rights or attempts to exercise rights under this Act, (2) opposes practices which such employee believes to be in violation of this Act, or (3) supports the exercise of rights of another under this Act. Such unlawful employer practices include, but are not limited to, any reference to the employee's or any of the employee's family members' citizenship or immigration

status, or any threat to contact or actual contact with any local, State, or federal government entities regarding the employee's or any of the employee's family members' citizenship or immigration status, or sexual harassment. Exercising rights under this Act includes filing an action or instituting or causing to be instituted any proceeding under or related to this Act; providing or agreeing to provide any information in connection with any inquiry or proceeding relating to any right provided under this Act; or testifying to or agreeing to testify in any inquiry or proceeding relating to any right provided under this Act.

Section 30. Department responsibilities.

(a) The Department shall administer and enforce this Act and adopt rules under the Illinois Administrative Procedure Act for the purpose of this Act. The Department shall have the powers and the parties shall have the rights provided in the Illinois Administrative Procedure Act for contested cases. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act, including the power to conduct depositions and discovery and to issue subpoenas. If the Department finds cause to believe that this Act has been violated, the Department shall notify the parties in writing and the matter shall be referred to an Administrative Law Judge to schedule a formal hearing in accordance with hearing procedures established by rule. Administrative decisions shall be reviewed under the Administrative Review Law.

(b) The Department is authorized to impose civil penalties prescribed in Section 35 in administrative proceedings that comply with the Illinois Administrative Procedure Act and to supervise the payment of the unpaid wages and damages owing to the employee or employees under this Act. The Department may bring any legal action necessary to recover the amount of unpaid wages, damages, and penalties, and the employer shall be required to pay the costs. Any sums recovered by the Department on behalf of an employee under this Act shall be paid to the employee or employees affected. However, 20% of any penalty collected from the employer for a violation of this Act shall be deposited into the Healthy Workplace Fund, a special fund created in the State treasury that is dedicated to enforcing this Act.

(c) The Attorney General may bring an action to enforce the collection of any civil penalty imposed under this Act.

Section 35. Enforcement.

(a) An employee who believes his or her rights under this Act or any rule adopted under this Act have been violated may, within 3 years after the date of the last event constituting the alleged violation for which the action is brought, file a complaint with the Department or file a civil action.

(b) Any employer that violates this Act is liable in a claim filed with the Department or in a civil action in circuit court to any affected individuals for actual and compensatory damages, with interest at the prevailing rate, punitive damages, and such equitable relief as may be appropriate, in addition to reasonable attorney's fees, reasonable expert witness fees, and other costs of the action to be paid by the defendant. A civil action may be brought without first filing a complaint with the Department. Administrative decisions are reviewable under the Administrative Review Law.

(c) Any employer that the Department or a court finds by a preponderance of the evidence to have knowingly, repeatedly, or with reckless disregard violated any provision of this Act or any rule adopted under this Act is subject to a civil money penalty to be paid to the employee not to exceed $2,500 for each separate offense.

Section 90. The State Finance Act is amended by adding Section 5.891 as follows:

(30 ILCS 105/5.891 new)

Sec. 5.891. The Healthy Workplace Fund.

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 motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Hutchinson, **Senate Bill No. 471** having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 34; NAYS 15.

The following voted in the affirmative:

Aquino	Gillespie	Lightford	Peters
Belt	Glowiak	Link	Sandoval
Bennett	Harmon	Manar	Sims
Bush	Harris	Martinez	Steans
Castro	Hastings	McGuire	Van Pelt
Collins	Hunter	Morrison	Villivalam
Cunningham	Hutchinson	Mulroe	Mr. President
Ellman	Jones, E.	Muñoz	
Fine	Koehler	Murphy	

The following voted in the negative:

Barickman	McConchie	Rose	Tracy
Brady	Oberweis	Schimpf	Weaver
DeWitte	Plummer	Stewart	Wilcox
McClure	Righter	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

ANNOUNCEMENT

The Chair announced that the deadline for filing committee amendments to House bills is at the close of business this Friday, May 3, 2019.

At the hour of 2:30 o'clock p.m., the Chair announced that the Senate stands adjourned until Thursday, May 2, 2019, at 12:00 o'clock noon.