SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

37TH LEGISLATIVE DAY

WEDNESDAY, MAY 9, 2007

11:40 O'CLOCK A.M.

NO. 37
[May 9, 2007]

SENATE
Daily Journal Index
37th Legislative Day

The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Reverend John Park, Korean United Presbyterian Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 8, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Illinois Medical District Commission Report pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Medical District Commission.

The foregoing report was ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Joint Resolution 43

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Bill 943
Senate Floor Amendment No. 3 to Senate Bill 1167

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

Senate Committee Amendment No. 1 to House Bill 39
Senate Committee Amendment No. 2 to House Bill 374
Senate Committee Amendment No. 2 to House Bill 497
Senate Committee Amendment No. 1 to House Bill 830
Senate Committee Amendment No. 1 to House Bill 913
Senate Committee Amendment No. 1 to House Bill 1319
Senate Committee Amendment No. 1 to House Bill 1330
Senate Committee Amendment No. 1 to House Bill 1462
Senate Committee Amendment No. 1 to House Bill 1519
Senate Committee Amendment No. 1 to House Bill 1647
Senate Committee Amendment No. 2 to House Bill 1647
Senate Committee Amendment No. 1 to House Bill 1855
Senate Committee Amendment No. 2 to House Bill 1947
Senate Committee Amendment No. 3 to House Bill 1947
Senate Committee Amendment No. 1 to House Bill 1969
Senate Committee Amendment No. 2 to House Bill 1969
Senate Committee Amendment No. 3 to House Bill 1969
Senate Committee Amendment No. 1 to House Bill 2304
Senate Committee Amendment No. 2 to House Bill 3393
Senate Committee Amendment No. 1 to House Bill 3490

Senate Committee Amendment No. 1 to House Bill 3586
Senate Committee Amendment No. 2 to House Bill 3597
Senate Committee Amendment No. 1 to House Bill 3627

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

Senate Floor Amendment No. 2 to House Bill 25
Senate Floor Amendment No. 1 to House Bill 804

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 172

Offered by Senator Demuzio and all Senators:
Mourns the death of Frank McCartney, Jr., of Pittsfield.

SENATE RESOLUTION 173

Offered by Senator Haine and all Senators:
Mourns the death of Roland Frank "Buzz" Croxton of Alton.

SENATE RESOLUTION 174

Offered by Senator Haine and all Senators:
Mourns the death of Charles B. Jackson, Sr., of Alton.

SENATE RESOLUTION 175

Offered by Senator Dillard and all Senators:
Mourns the death of John Romanelli, Sr., of Hinsdale.

SENATE RESOLUTION 176

Offered by Senator Dillard and all Senators:
Mourns the death of John Thomas Kelly of Kalamazoo, Michigan, formerly of LaGrange Park.

SENATE RESOLUTION 177

Offered by Senator Dillard and all Senators:
Mourns the death of Richard L. Jasker of Hinsdale.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Demuzio offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 178

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate Task Force on the Illinois Procurement Code established by Senate Resolution 52 of the 95th General Assembly shall include as a member the Executive Director of the Capital Development Board, or his or her designee from among the staff of the Capital Development Board, in addition to the members of the Task Force specified in Senate Resolution 52.

Senator Schoenberg offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 52

WHEREAS, Illinois ranks in the bottom third of states in the U.S. in the acquisition of land for parks, recreation and habitat; and

WHEREAS, Illinois ranks last by a wide margin among Midwestern states in acres protected per capita with only one percent of protected state-owned recreation land; and

WHEREAS, Land prices continue to rise and development pressures mount making the need for protecting open space more acute; and

WHEREAS, The quantity of water supplied by aquifers, inland streams, and Lake Michigan is limited and land conservation provides water recharge and stream buffering providing for the protection of drinking water resources; and

WHEREAS, Outdoor recreation contributes to a healthy lifestyle for the State's youth and adults alike, and young people need more access to safe, rewarding outdoor experiences to combat the growing epidemic of childhood obesity; and

WHEREAS, The Center for Disease Control and Prevention has called for the creation of more parks and playgrounds to counteract sedentary lifestyles; and

WHEREAS, Parks and natural areas contribute to increased property values of neighboring properties; and

WHEREAS, Native Illinois wildlife populations have declined precipitously, and currently Illinois has 424 State and 24 federally listed threatened and endangered species; and

WHEREAS, Natural habitats have been shown to improve air quality; and

WHEREAS, Illinois has lost more than 90% of its original wetlands and 99% of it original open prairie and it is critical to take steps now to protect the remaining acreage; and

WHEREAS, The Illinois State Wildlife Action Plan has won national recognition but remains underfunded; and

WHEREAS, Illinois parks and natural areas generate 42,000 jobs and create recreational opportunities for all Illinois citizens; and

WHEREAS, Hunting, fishing, and wildlife associated recreation currently generates nearly $4,200,000,000 in economic activity in Illinois; and

WHEREAS, Voters have given overwhelming support to local referenda for land acquisition and public opinion polls show 92% of the public registering support for the State preserving open space and wildlife habitat; and

WHEREAS, According to the most recent Statewide Comprehensive Outdoor Recreation Plan 2003-2008, more than $3,000,000,000 in State and local funding is necessary to, protect an additional 85,000 acres across the State, for renovation and restoration projects in existing parks and for new public recreation facilities; and

WHEREAS, Land acquisition is a capital intensive investment; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we recognize that current funding for open space is severely lacking; that capital budgets have traditionally provided resources for land acquisition, stewardship, and public recreational opportunities; that the value of parks and natural areas in protecting Illinois from flooding, improving water quality, generating

economic activity, and improving public health is without question; and be it further

Resolved, That we urge the Governor to present a capital budget that includes $100,000,000 on an annual basis for the Illinois Special Places Acquisition, Conservation and Enhancement (iSPACE) Program, which includes the following:

(1) a new statewide land acquisition program to protect the State's most precious natural resources and provide recreational opportunities, including matching grants to local governments;

(2) implementation of the Partners for Conservation Program (formerly Conservation 2000) through land acquisition and management grants; and

(3) implementation of the Hunting Heritage Protection Act by increasing the amount of land acreage available for hunting opportunities in Illinois; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker of the House of Representative, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Director of Natural Resources, and the Governor.

REPORTS FROM STANDING COMMITTEES

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

Senate Floor Amendment No. 1 to Senate Bill 1
Senate Floor Amendment No. 2 to Senate Bill 1

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

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, to which was referred **House Bills Numbered 369 and 3658,** reported the same back with the recommendation that the bills do pass.

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

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 487

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 308
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 988
A bill for AN ACT concerning local government.

HOUSE BILL NO. 1104
A bill for AN ACT concerning forest preserve districts.

HOUSE BILL NO. 3496
A bill for AN ACT concerning State government.

Passed the House, May 8, 2007.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 308, 988, 1104 and 3496** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 40

WHEREAS, According to a recent study by the Center for Labor Market Studies at Northeastern University in Boston, Massachusetts, in 2005 in Illinois there were 227,010 youth ages 16 to 24 years old and 59,457 youth ages 16 to 19 years old who left high school before earning a high school diploma; and

WHEREAS, This study outlines that in Illinois, of the 227,010 youth who left school without a high school diploma, 92,424 are White, 70,842 are Hispanic, 58,390 are Black, and 5,354 are listed as other; and

WHEREAS, The vast majority of Chicago area and downstate Illinois youth who left school without a high school diploma come from lower income areas; and

WHEREAS, The vast majority of these youth who left school without a high school diploma see themselves as students who want to return to school and earn a high school diploma, and many of these students return to educational programs that are severely under-funded and that are not able to provide the comprehensive educational program and various support services that these students need to successfully re-enroll and earn a high school diploma; and

WHEREAS, A comprehensive system is needed for all students, those in school and those who want to return to school, but the school experience that will help out-of-school students succeed when they re-enroll must be different; people learn in different ways, one size does not fit all, and smaller schools offer a more personal, flexible, and accountable curriculum that successfully re-enrolls, teaches, and graduates these out-of-school students; and

WHEREAS, Illinois employers are experiencing a shortage of skilled workers, and these re-enrolled students could provide the needed addition to the workforce needs of the Illinois economy and Illinois businesses; and

WHEREAS, Eighty percent of prison inmates are students who left school without a high school diploma and, as such, can pose a problem, in terms of crime and public safety, to the general public in their communities and neighborhoods; and

WHEREAS, Out-of-school students without a high school diploma earn $828,000 less over their lifetimes than people who have a high school diploma and some college education and $410,000 less than high school graduates; and

WHEREAS, The annual cost to Illinois is over $2.4 billion for these students who left school without a high school diploma; and

WHEREAS, The benefit to Illinois taxpayers is $312,000 over the lifetime of a re-enrolled student who returns to school and earns a high school diploma in terms of that person paying more taxes on his or her increased earnings as well as the reduced social costs in terms of his or her utilizing welfare services, mental health services, and other dependency services and being less likely to enter prison or

incur other costs related to crime; and

WHEREAS, There is significant research and program experience to draw on and use to develop successful programs to re-enroll, teach, and graduate students who left school before earning a high school diploma; and

WHEREAS, The Governor and the General Assembly created the Task Force on Re-Enrolling Students Who Dropped Out of School, which had a 2-year cycle to examine and develop an interim and final report to address this issue of students who had left school without a high school diploma; this Task Force will end on January 10, 2008; and

WHEREAS, The work of this Task Force should continue in terms of addressing the need to develop a comprehensive system for students who left school before earning a high school diploma and want to re-enroll to earn a high school diploma; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that that there is created the Council on Re-enrolling Students Who Dropped Out of School in order to carry on the work of the Task Force on Re-Enrolling Students Who Dropped Out of School by continuing to examine and develop ways to address the growing issue of students who left school before earning a high school diploma; and be it further

RESOLVED, That the purpose of the Council is to examine policies, programs, and other issues related to developing a variety of successful approaches using best program practices to re-enroll, teach, and graduate students who left school before earning a high school diploma and, in doing so, improve community safety and the Illinois economy; and be it further

RESOLVED, That the Council shall be composed of the following members: 8 legislators (2 of whom shall be appointed by the President of the Senate, 2 of whom shall be appointed by the Speaker of the House, 2 of whom shall be appointed by the House Minority Leader, and 2 of whom shall be appointed by the Senate Minority Leader); one representative from the Governor's Office appointed by the Governor; one representative of the State Board of Education appointed by the State Superintendent of Education; one representative of the Board of Higher Education appointed by its chairperson; one representative of the Department of Human Services appointed by the Secretary of Human Services; one representative of the Department of Children and Family Services appointed by the Director of Children and Family Services; one representative of the Department of Commerce and Economic Opportunity appointed by the Director of Commerce and Economic Opportunity; one representative of the Illinois Community College Board appointed by the President of the Illinois Community College Board; 17 representatives from the public (8 of whom shall come from schools or programs working with students who had left school before earning a high school diploma) appointed by the Governor, with one of these public representatives serving as chairperson of the Council; and be it further

RESOLVED, That the duties of the Council shall include continuing a series of public hearings throughout the State to discuss the impact of students who have left school without a high school diploma on various regions of the State, continuing a review of data regarding students who have left school without a high school diploma that allows for a comparison of Illinois data both nationally and with other states in the region and across the country, continuing a review of various financing and funding mechanisms used by other states, counties, cities, foundations, and other financial funding sources, and producing and filing an annual report with recommendations to the Governor, the General Assembly, and the State Board of Education on ways and means to address the challenge of re-enrolling students who have left school without a high school diploma; and be it further

RESOLVED, That the State Board of Education shall be responsible for facilitating the Council; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor, the State Superintendent of Education, the Chairperson of the Board of Higher Education, the Secretary of Human Services, the Director of Children and Family Services, the Director of Commerce and Economic Opportunity, and the President of the Illinois Community College Board.

[May 9, 2007]

Adopted by the House, May 2, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 40 was referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1104, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1716, sponsored by Senator Bond, was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator James Clayborne as a member of the Senate Executive Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Iris Martinez to temporarily replace Senator James Clayborne as a member of the Senate Insurance Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Deanna Demuzio to resume her position on the Senate Agriculture & Conservation Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator James Clayborne to resume his position on the Senate Environment & Energy Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator David Koehler to resume his position on the Senate Local Government Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator David Koehler to resume his position on the Senate Transportation Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Executive Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary-Civil Law Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

May 9, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Rickey Hendon to temporarily replace Senator James Clayborne as a member of the Senate Pensions & Investments Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 774** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 774

AMENDMENT NO. 2. Amend Senate Bill 774, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, immediately below line 15, by inserting the following:

"Grants awarded from the Fund are intended to augment the current and future State funding for the prevention and treatment of HIV/AIDS and are not intended to replace that funding.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 774

AMENDMENT NO. 3. Amend Senate Bill 774, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 6, by replacing lines 24 and 25 with the following:

"Section 15. The State Finance Act is amended by adding Section 6.675 as follows:"; and

on page 7, by deleting lines 3 through 24; and

by deleting pages 8 and 9; and

on page 10, by deleting lines 1 through 15.

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 Collins, **Senate Bill No. 774**, 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 37; Nays 13.

The following voted in the affirmative:

Bond	Garrett	Maloney	Sandoval
Collins	Haine	Martinez	Schoenberg
Cronin	Halvorson	Meeks	Silverstein
Crotty	Harmon	Millner	Trotter
Cullerton	Hendon	Munoz	Viverito
DeLeo	Hunter	Noland	Wilhelmi
Delgado	Jacobs	Pankau	Mr. President
Dillard	Koehler	Radogno	
Forby	Lightford	Raoul	
Frerichs	Link	Ronen	

The following voted in the negative:

Brady	Hultgren	Righter	Watson
Burzynski	Lauzen	Risinger	
Dahl	Luechtefeld	Rutherford	
Holmes	Peterson	Sieben	

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 BILLS RECALLED

On motion of Senator Cullerton, **Senate Bill No. 810** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 810

AMENDMENT NO. _1_. Amend Senate Bill 810 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by adding Section 9-156.1 as follows:
(40 ILCS 5/9-156.1 new)

Sec. 9-156.1. Heart attack or stroke. Any county corrections officer who suffers a heart attack or stroke as a result of the performance and discharge of his or her duty shall be considered as having been injured in the performance of an act of duty and shall be eligible for the benefits provided under this Article to an employee injured in the performance of an act of duty or, if applicable, the benefits provided in Section 9-156.

Section 90. The State Mandates Act is amended by adding Section 8.31 as follows:
(30 ILCS 805/8.31 new)
Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

The motion prevailed.
And the amendment was adopted and ordered printed.
Senate Floor Amendment No. 2 was held in the Committee on Rules.
There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 829** was recalled from the order of third reading to the order of second reading.
Senate Floor Amendment No. 1 was held in the Committee on Rules.
Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 829

AMENDMENT NO. 2. Amend Senate Bill 829 by replacing everything after the enacting clause with the following:

"(55 ILCS 5/3-15004 rep.) (55 ILCS 5/3-15005 rep.) (55 ILCS 5/3-15006 rep.) (55 ILCS 5/3-15007 rep.) (55 ILCS 5/3-15008 rep.) (55 ILCS 5/3-15009 rep.) (55 ILCS 5/3-15010 rep.) (55 ILCS 5/3-15011 rep.)

Section 5. The Counties Code is amended by repealing Sections 3-15004, 3-15005, 3-15006, 3-15007, 3-15008, 3-15009, 3-15010, and 3-15011.

Section 10. The Counties Code is amended by changing Section 3-15012 as follows:
(55 ILCS 5/3-15012) (from Ch. 34, par. 3-15012)

Sec. 3-15012. Director. The Sheriff shall appoint a Director to act as the chief executive and administrative officer of the Department. The Director shall be appointed by the Sheriff with the advice and consent of the county board ~~from a list of 3 persons nominated by the members of the Board~~. He or she shall serve at the pleasure of the Sheriff. If the Director is removed, the Sheriff shall appoint his or her replacement with the advice and consent of the county board ~~the Board shall nominate 3 persons, one of whom shall be selected by the Sheriff to serve as Director~~. The Director's compensation is determined by the County Board.
(Source: P.A. 90-447, eff. 8-16-97; 90-511, eff. 8-22-97.)".

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 Martinez, **Senate Bill No. 829**, 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 54; Nays 1.

The following voted in the affirmative:

Althoff	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Bond	Halvorson	Maloney	Schoenberg
Brady	Harmon	Martinez	Sieben
Burzynski	Hendon	Meeks	Silverstein
Collins	Holmes	Millner	Sullivan
Cronin	Hultgren	Munoz	Syverson
Crotty	Hunter	Murphy	Trotter
Cullerton	Jacobs	Noland	Viverito
Dahl	Jones, J.	Pankau	Watson
Delgado	Koehler	Peterson	Wilhelmi
Dillard	Kotowski	Radogno	Mr. President
Forby	Lauzen	Risinger	
Frerichs	Lightford	Ronen	

The following voted in the negative:

DeLeo

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 Delgado, **Senate Bill No. 934** was recalled from the order of third reading to the order of second reading.

Senator Delgado offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 934

AMENDMENT NO. 2. Amend Senate Bill 934, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 1, by replacing line 15 with the following:

services may also be deposited into the Fund. The Amount of funds provided through the fee shall not exceed the amount necessary to fully achieve the intent of the Act. The Newborn".

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 Delgado, **Senate Bill No. 934**, 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 55; Nays None.

The following voted in the affirmative:

Bomke	Garrett	Link	Ronen

Bond	Haine	Luechtefeld	Rutherford
Brady	Halvorson	Maloney	Sandoval
Burzynski	Harmon	Martinez	Schoenberg
Collins	Hendon	Meeks	Sieben
Cronin	Holmes	Millner	Silverstein
Crotty	Hultgren	Munoz	Sullivan
Cullerton	Hunter	Noland	Syverson
Dahl	Jacobs	Pankau	Trotter
DeLeo	Jones, J.	Peterson	Viverito
Delgado	Koehler	Radogno	Watson
Dillard	Kotowski	Raoul	Wilhelmi
Forby	Lauzen	Righter	Mr. President
Frerichs	Lightford	Risinger	

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 Kotowski, **Senate Bill No. 1007** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1007

AMENDMENT NO. 1. Amend Senate Bill 1007 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 24-1.8 as follows:

(720 ILCS 5/24-1.8 new)

Sec. 24-1.8. Manufacture, possession, delivery, sale, and purchase of large capacity ammunition feeding devices.

(a) As used in this Section:

"Large capacity ammunition feeding device" means:

(1) a detachable magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; or

(2) any combination of parts from which a device described in paragraph (1) can be assembled.

"Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition, any device designed to be used with an antique firearm as defined in 27 C.F.R. 478.11, any device designed to be used with a muzzle-loading firearm used for "black powder" hunting, any device designed as a reproduction of a historical piece of military equipment for use in battle re-enactments, or any device that has been made permanently inoperable.

(b) Except as provided in subsections (c) and (d), it is unlawful for any person within this State, beginning 90 days after the effective date of this amendatory Act of the 95th General Assembly, to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, purchased, or possessed, a large capacity ammunition feeding device.

(c) This Section does not apply to a person who possessed a device prohibited by subsection (b) before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General Assembly, such person may transfer such device only to an heir, an individual residing in another state maintaining that device in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968.

(d) This Section does not apply to or affect any of the following:

(1) Peace officers as defined in Section 2-13 of this Code and retired peace officers not otherwise prohibited from receiving a firearm, in possession of a large capacity ammunition feeding device transferred to the retired peace officer by his or her law enforcement agency upon retirement.

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for

the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties or while traveling to or from their place of duty.

(4) Manufacture, transportation, or sale of large capacity ammunition feeding devices to persons authorized under subdivisions (1) through (3) of this subsection to possess those items.

(5) Possession of a large capacity ammunition feeding device at events taking place at the World Shooting and Recreational Complex at Sparta, only while engaged in the legal use of the device, or while traveling to or from this location if the items are broken down in a non-functioning state, or are not immediately accessible, or are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.

(6) Possession of any large capacity ammunition feeding device if that large capacity ammunition feeding device is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the large capacity ammunition feeding device is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the device is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, and when the Olympic target shooting competitor or target shooting coach is engaging in those practices or events.

(7) Possession of a large capacity ammunition feeding device only for a hunting use expressly permitted under the Wildlife Code, or while traveling to or from a location authorized for such hunting use under the Wildlife Code if the items are broken down in a non-functioning state, or are not immediately accessible, or are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.

(8) Manufacture, transportation, possession, sale, or rental of large capacity ammunition feeding devices to persons authorized or permitted, or both authorized and permitted to acquire and possess such devices for the purpose of rental for use solely as props for a motion picture, television, or video production or entertainment event.

(e) Sentence. A person who knowingly manufactures, delivers, sells, purchases, or possesses or causes to be manufactured, delivered, sold, purchased, or possessed in violation of this Section a large capacity ammunition feeding device commits a Class A misdemeanor for a first violation; a Class 4 felony for a second violation; and a Class 3 felony for a third or subsequent violation or for possession or delivery of more than one of these devices at the same time.

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. 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 Kotowski, **Senate Bill No. 1007**, 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 31; Nays 26; Present 1.

The following voted in the affirmative:

Althoff	Dillard	Link	Raoul
Bond	Garrett	Maloney	Ronen
Collins	Harmon	Martinez	Sandoval
Cronin	Hendon	Meeks	Schoenberg

Crotty	Hultgren	Millner	Silverstein
Cullerton	Hunter	Munoz	Trotter
DeLeo	Kotowski	Murphy	Mr. President
Delgado	Lightford	Noland	

The following voted in the negative:

Bomke	Haine	Luechtefeld	Sieben
Brady	Halvorson	Pankau	Sullivan
Burzynski	Holmes	Peterson	Syverson
Dahl	Jacobs	Radogno	Watson
Demuzio	Jones, J.	Righter	Wilhelmi
Forby	Koehler	Risinger	
Frerichs	Lauzen	Rutherford	

The following voted present:

Viverito

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 Silverstein, **Senate Bill No. 1047** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1047

AMENDMENT NO. 2. Amend Senate Bill 1047 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Commission on Discrimination and Hate Crimes Act.

Section 5. Findings. The General Assembly finds as follows:

(1) The population and demographic makeup of the State of Illinois make the appreciation, tolerance, and acceptance of diverse cultures imperative.

(2) No person or group of people should have to live in fear because of their race, ethnicity, culture, sexual orientation, or religious beliefs.

(3) The manifestation of discrimination in the form of violence has a negative impact not only on the victim, but also his or her community, and can have a lasting adverse effect on our society.

(4) Stereotypical thinking and biases still plague our society.

(5) Illinois has a strong tradition of combating discrimination and hate-based violence by statutorily addressing crimes such as aggravated battery, theft, criminal trespassing, disorderly conduct, and telephone harassment committed because of the victim's race, color, creed, religion, ancestry, gender, sexual orientation, or disability.

(6) We must continue to work to build a society that is bias and hate free so that our children are protected against discrimination, punishment, and violence that are based on race, ethnicity, color, creed, religious belief, sexual orientation, or social status.

Section 10. Establishment of Commission.

(a) The Commission on Discrimination and Hate Crimes is established. The Commission shall consist of a chairperson and 20 additional members appointed by the Governor with the advice and consent of

the Senate. The membership may include, but is not limited to, persons who are active in and knowledgeable about the areas of law enforcement, the criminal and civil justice systems, education, human rights, business and industry, arts and culture, social services, and religion. Terms of the members shall be staggered so that 10 of the initial members shall serve until March 1, 2009, 10 of the initial members and the initial chairperson shall serve until March 1, 2011, and thereafter each member shall serve for a term of 4 years. Members shall serve until their successors are appointed and qualified. Any vacancy in the membership of the Council shall be filled by the Governor with the advice and consent of the Senate for the unexpired term. Members shall serve without compensation, but may be reimbursed for expenses.

(b) The Commission shall be provided assistance and necessary staff support services by the agencies of State government involved in the issues to be addressed by it.

Section 15. Purposes of Commission.

The purposes of the Commission include, but are not limited to, the following:

(1) To work in partnership with community leaders, educators, religious leaders, social service agencies, elected officials, and the public to identify and uproot sources of discrimination and bias at the source.

(2) To work with local governments, law enforcement officials and prosecutors, educators, and community organizations by assisting with the development of resources, training, and information that allow for a swift and efficient response to hate-motivated crimes and incidents.

(3) To work with educators throughout Illinois on issues concerning discrimination and hate, teaching acceptance, and embracing diversity at academic institutions.

(4) To help ensure that this State's laws addressing discrimination and hate-related violence are widely known and applied correctly to help eradicate and prevent crimes based on discrimination and intolerance.

(5) To make recommendations to the Governor and the General Assembly for statutory and programmatic changes necessary to eliminate discrimination and hate-based violence.

(6) To help implement recommendations by working with State agencies, the General Assembly, the business community, the social service community, and other organizations.

Section 20. Annual report. The Commission shall submit a report to the Governor and the General Assembly by March 30 of each year.

Section 25. Other laws. Nothing in this Act shall be construed to contravene any federal law or any other State law.

Section 30. Effect on Executive Order. This Act supersedes Executive Order No. 8 (2005).

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 Silverstein, **Senate Bill No. 1047**, 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:

Althoff Frerichs Link Ronen

Bomke	Garrett	Luechtefeld	Rutherford
Bond	Haine	Maloney	Sandoval
Brady	Halvorson	Martinez	Schoenberg
Burzynski	Harmon	Meeks	Sieben
Collins	Hendon	Millner	Silverstein
Cronin	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Trotter
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Delgado	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	

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 Collins, **Senate Bill No. 1167** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1167

AMENDMENT NO. 1. Amend Senate Bill 1167 by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as follows:

(15 ILCS 520/7) (from Ch. 130, par. 26)

Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depositary for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositaries for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(b-5) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that such institution agrees to expend an amount of money equal to the amount of the reduction for the preservation of Cahokia Mounds.

(b-10) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to 10% of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the participating financial institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys, (ii) existing home loans of Illinois citizens who have failed to make payments on a home loan as a result of a financial hardship due to circumstances beyond the control of the borrower where there is a reasonable prospect that the borrower will be able to resume full mortgage payments, ~~and~~ (iii) loans in amounts that do not exceed the amount of arrearage on a mortgage and that are extended to enable a borrower to become current on his or her mortgage obligation , and (iv) home loans that are made to refinance loans that meet the definition of a "high risk

home loan" or that are expected to meet the definition of "high risk home loan" during the term of the loan, as the term "high risk home loan" is defined by the High Risk Home Loan Act.

The following factors shall be considered by the participating financial institution to determine whether the financial hardship is due to circumstances beyond the control of the borrower: (i) loss, reduction, or delay in the receipt of income because of the death or disability of a person who contributed to the household income, (ii) expenses actually incurred related to the uninsured damage or costly repairs to the mortgaged premises affecting its habitability, (iii) expenses related to the death or illness in the borrower's household or of family members living outside the household that reduce the amount of household income, (iv) loss of income or a substantial increase in total housing expenses because of divorce, abandonment, separation from a spouse, or failure to support a spouse or child, (v) unemployment or underemployment, (vi) loss, reduction, or delay in the receipt of federal, State, or other government benefits, and (vii) participation by the homeowner in a recognized labor action such as a strike. In determining whether there is a reasonable prospect that the borrower will be able to resume full mortgage payments, the participating financial institution shall consider factors including, but not necessarily limited to the following: (i) a favorable work and credit history, (ii) the borrower's ability to and history of paying the mortgage when employed, (iii) the lack of an impediment or disability that prevents reemployment, (iv) new education and training opportunities, (v) non-cash benefits that may reduce household expenses, and (vi) other debts.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit ~~for a single family dwelling~~ as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of no more than 4 families and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

(Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02; 92-625, eff. 7-11-02; 93-246, eff. 7-22-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1167

AMENDMENT NO. 2. Amend Senate Bill 1167, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 3, line 8, by changing "are expected to" to "the Treasurer determines would".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Rules.

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 Collins, **Senate Bill No. 1167**, 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:

Althoff	Frerichs	Link	Ronen
Bomke	Garrett	Luechtefeld	Rutherford
Bond	Haine	Maloney	Sandoval
Brady	Halvorson	Martinez	Schoenberg
Burzynski	Harmon	Meeks	Sieben
Collins	Hendon	Millner	Silverstein
Cronin	Holmes	Munoz	Sullivan
Crotty	Hultgren	Murphy	Syverson
Cullerton	Hunter	Noland	Trotter
Dahl	Jacobs	Pankau	Viverito
DeLeo	Jones, J.	Peterson	Watson
Delgado	Koehler	Radogno	Wilhelmi
Demuzio	Kotowski	Raoul	Mr. President
Dillard	Lauzen	Righter	
Forby	Lightford	Risinger	

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 Harmon, **Senate Bill No. 1184** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1184

AMENDMENT NO. 2. Amend Senate Bill 1184 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Affordable and Clean Energy Standards (ACES) Act.

Section 5. Findings. The General Assembly finds the following:

(1) Energy efficiency is a cost-effective resource that ensures affordable and reliable energy to Illinois consumers.

(2) It is desirable to obtain the environmental quality, public health, employment, economic development, rate stabilization, and fuel diversity benefits of developing new renewable energy resources for use in Illinois.

(3) The General Assembly has previously found and declared that the benefits of electricity from renewable energy resources accrue to the public at large, thus consumers and electric utilities and alternative retail electric suppliers share an interest in developing and using a significant level of these environmentally preferable resources in the State's electricity supply portfolio.

(4) Energy efficiency and renewable energy in Illinois are resources that are currently underutilized.

(5) Investment in energy efficiency and load management, combined with energy efficiency codes and standards, present important opportunities to increase Illinois' energy security, protect Illinois energy consumers from price volatility, preserve the State's natural resources and pursue an improved environment in Illinois.

(6) It serves the public interest to support public utility investments in cost-effective energy efficiency and load management by allowing recovery of costs for reasonable and prudently incurred expenses of energy efficiency, renewable energy, and load management programs.

(7) Investments in energy efficiency and implementation of utility energy efficiency programs dedicated to economically-disadvantaged Illinois residents, in addition to existing low-income weatherization programs managed by the State of Illinois, will reduce the burden of utility costs on

low-income customers.

(8) Public utility investments in cost-effective energy efficiency, renewable energy, and load management, combined with the adoption of efficiency codes and standards, can provide significant reductions in greenhouse gas emissions, regulated air emissions, water consumption, and natural resource depletion and can avoid or delay the need for more expensive generation, transmission, and distribution infrastructure.

(9) It serves the public interest, the reliability of the electric transmission grid, and the natural gas infrastructure, as well as the State of Illinois' economy, to treat energy efficiency programs as a resource similar to any other supply side resource whose costs are eligible for recovery through rates.

(10) Investment in energy efficiency programs is a public good that public utility should be required to deliver cost-effectively in order to provide real and sustained relief to customers whose rising energy costs continue to threaten the economic well-being of residential customers, businesses, and industries in the State.

Section 10. Definitions.

"Commission" means the Illinois Commerce Commission.

"Cost-effective" means that the program being evaluated satisfies the total resource cost test as defined in this Section.

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

"Energy conservation" is any reduction in electric power consumption or natural gas consumption resulting from: (i) increased energy efficiency in the production, transmission, distribution, and customer end-use applications of electricity and natural gas and (ii) increased customer knowledge concerning the societal impacts of consumption. Such knowledge may be the result of economically efficient energy prices or other means of communication when prices are of the second best nature.

"Energy efficiency" means measures, including energy conservation measures, or programs that target consumer behavior, equipment or devices, or development and demonstration of breakthrough energy efficiency equipment or devices, that result in a decrease in consumption of electricity and natural gas without reducing the amount or quality of energy service.

"External costs" or "negative externalities" are costs imposed on society that are not directly borne by the producer in production and delivery activities. Due to imperfections in, or the absence of, markets, the producer's production, and pricing decisions do not account for these costs.

"Large customer" means a utility customer at a single, contiguous field, location, or facility, regardless of the number of meters at that field, location, or facility, with electricity consumption greater than 7,000 megawatt-hours per year or natural gas use greater than 5,000 therms per year.

"Load management" means measures or programs that target equipment or devices to result in decrease peak electricity demand or shift demand from peak to off-peak periods

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

"Planning costs" are the costs of evaluating the future demand for energy services and of evaluating alternative methods of satisfying that demand. Planning costs include, but are not be limited to, costs associated with: (i) econometric and end-use forecasting, (ii) identification and evaluation of alternative demand-side and supply-side resource options, and (iii) evaluation of externalities associated with alternative resources.

"Portfolio development costs" are costs of preparing a resource in a portfolio for prompt and timely acquisition. Portfolio development costs include, but are not be limited to, costs associated with: (i) negotiating contracts with competitively acquired resources, (ii) acquiring and holding resource options; and (iii) developing and maintaining the capability to rapidly acquire demand-side resources.

"Renewable energy resources" includes energy and renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, dedicated crops grown for energy production and organic waste biomass, hydropower that does not involve new construction or significant expansion of hydropower dams, and other such alternative sources of environmentally preferable energy. "Renewable energy resources" does not include energy from the incineration, burning or heating of waste wood, tires, garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, or construction or demolition debris.

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

"Energy efficiency resources" means energy efficiency programs designed to assist customers to use energy more efficiently, reduce or control their consumption of energy, as measured in kilowatts, kilowatthours or therms, or otherwise control the level of their electric utility bills.

"Total resource cost test" means a standard that is met if, for an investment in energy

efficiency or load management, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test's:

(1) benefits include, but are not limited to, avoided supply costs, reductions in transmission, distribution, generation, and capacity costs valued at marginal costs for the periods when load is reduced, avoided environmental damage, increased system reliability, and others deemed appropriate by the Commission;

(2) costs are program costs paid by both the utility and participant including, but not limited to, equipment costs, installation, net operation and maintenance costs or benefits, and program administration; and

(3) provisions include an oversight and evaluation process that shall periodically monitor and develop data on the cost effectiveness and actual productivity of demand side efficiency and conservation programs.

Section 15. Utility energy efficiency programs.

(a) It is the policy of the State that electric and natural gas utilities utilize cost-effective energy efficiency and load management investments in their energy resource portfolios.

(b) Electric utilities shall use energy efficiency resources to meet the following energy savings goals:

(1) 0.2% of total load to be saved in 2008;

(2) 0.4% of total load to be saved in 2009;

(3) 0.6% of total load to be saved in 2010;

(4) 0.8% of total load to be saved in 2011;

(5) 1% of total load to be saved in 2012; and

(6) 2% of total load to be saved in 2015 and each year thereafter.

(c) Natural gas utilities shall use energy efficiency resources to meet the following energy savings goals:

(1) 0.2% of total annual Mcf to be saved in 2008;

(2) 0.4% of total annual Mcf to be saved in 2009;

(3) 0.6% of total annual Mcf to be saved in 2010;

(4) 0.8% of total annual Mcf to be saved in 2011;

(5) 1% of total annual Mcf to be saved in 2012; and

(6) 2% of total annual Mcf to be saved in 2015 and each year thereafter.

(d) Notwithstanding the requirements of subsections (b) and (c) of this Section, an electric or natural gas utility may reduce the amount of energy efficiency resources it procures to meet energy savings goals in any single year by an amount necessary to limit the estimated average net increase to customers, due to this provision to be no more than 0.5% of customers' total electricity bills for the calendar year ending immediately prior to the procurement, with such limit increasing by 0.5% in each of the 4 years 2009 through 2011, for a maximum cap on the allowed estimated average increase due to the cost of these resources of 2.0%. No later than June 30, 2011 the Commission shall review the rate limitation and report to the General Assembly its findings as to whether the rate cap unduly constrains the procurement of energy efficiency resources that would be cost effective.

(e) Implementation of the energy efficiency programs under this Act shall be split between the utilities and the Department of Commerce and Economic Opportunity. Electric and natural gas utilities must implement programs accounting for 75% of the total energy efficiency program identified in each utility's energy efficiency plan. Electric and natural gas utilities shall administer aggressive energy savings incentive programs in a market-neutral, nondiscriminatory manner.

Each electric and natural gas utility shall provide, through market-based standard offer and other related programs, incentives sufficient for retail electric and natural gas customers and competitive energy service customers to acquire additional, direct cost-effective energy efficiency according to the goals set forth in this Plan.

The guidelines provide the utilities with policy and planning guidance. Each utility's plan shall be the result of that utility's unique planning process and judgment on how to meet the energy efficiency savings goals identified in this Act based on the best interests of consumers, the cost-effectiveness of program offerings, and the circumstances of the utility's service territory. The Department shall implement energy efficiency programs accounting for 25% of the total energy efficiency program budget identified in the utilities' energy efficiency plans. The Department shall focus on targeted market-transformation and educational programs that provide additional energy savings beyond the utility implemented programs.

[May 9, 2007]

(f) Within 3 months after the effective date of this Act, the Commission shall adopt rules specifying the procedure for electric and natural gas utilities to develop and submit an energy efficiency plan. Rules shall specify the process for coordination of energy efficiency program planning between the Department and the utilities. Within 3 months after adoption by the Commission of rules, and biennially thereafter, Illinois electric and natural gas utilities shall file an energy efficiency plan with the Commission. In submitting proposed energy efficiency program plans and funding levels to meet the savings goals adopted by this Act, the utility shall:

(1) Demonstrate that their proposed level of electric and natural gas energy efficiency program activities and funding is consistent with the adopted electric and natural gas savings goals.

(2) Present specific proposals for programs that support new building and appliance standards.

(3) Present estimates of the net short-term and long-term rate impacts and bill impacts associated with the proposed portfolio of programs designed to meet the adopted energy savings goals. The utilities shall work with Commission to develop a consistent format for presenting these estimates in their filings.

(4) Present a suite of energy efficiency programs targeted to households at or below 150% of the poverty level at a level proportionate to those households' share of total annual utility expenditures in Illinois.

(5) Demonstrate that their investments in energy efficiency are cost effective using the total resource cost test.

(6) Include a proposed cost recovery tariff mechanism to fund the proposed energy efficiency programs.

(g) The Commission shall require electric and natural gas utilities to aggressively implement cost-effective energy efficiency programs and utilities shall be eligible to recover the costs of investments in energy efficiency under the following conditions:

(1) A public utility that undertakes energy efficiency programs shall recover the costs of energy efficiency programs implemented after the effective date of this Act, if the utility complies with the energy efficiency plan process described in subsection (d) of this Section and in good faith implements the approved programs.

(2) A public utility that undertakes energy efficiency programs under the requirements of this Act shall be eligible to recover the costs of approved programs implemented after the effective date through an approved tariff rider.

(3) The tariff rider shall provide for the recovery, on a monthly basis or otherwise, of all reasonable costs of approved energy efficiency programs.

(4) The Commission may not arbitrarily limit cost recovery for cost-effective programs based on previous rate impact limits.

(h) No more than 1% of energy efficiency program revenue may be allocated for demonstration and deployment of breakthrough energy efficiency equipment and devices.

Section 20. Renewable portfolio standard.

(a) An electric utility shall procure or obtain renewable energy resources in amounts equal to at least the following percentages of the total electricity that it supplies to its Illinois customers: 3% by December 31, 2008; 4% by December 31, 2009; 5% by December 31, 2010; 6% by December 31, 2011; 7% by December 31, 2012; 8% by December 31, 2013; 9% by December 31, 2014; and 10% by December 31, 2015. It shall be the goal of the State to ensure that the percentage of renewable energy resources provided under this section continue to increase after 2015 by 1.5% per year to 25% by 2025. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation.

(b) For the purpose of this Section, the required procurement of renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatthours) supplied by the electric utility in the calendar year ending immediately prior to the procurement.

(c) Notwithstanding the requirements of subsection (a), an electric utility may reduce the amount of electric energy procured under new contracts from renewable energy resources in any single year by an amount necessary to limit the estimated average net increase to customers, due to these contracts, to be no more than 0.5% of customers' total electricity bills for the calendar year ending immediately prior to the procurement, subject to adjustments for any known subsequent rate increases. Any reductions in one year shall be offset by additional procurement in the following years subject to the annual limitation in this Section, with such limit increasing by 0.5% in each of the 4 years 2009 through 2012, for a

maximum cap on the allowed estimated average increase due to the cost of these resources of 2.5%. No later than June 30, 2012, the Commission shall review the rate limitation and report to the General Assembly its findings as to whether the rate cap unduly constrains the procurement of renewable energy resources that are cost effective.

(d) Renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in subsection (a) of this Section only if they are generated from facilities located in the State, provided that cost-effective renewable resources are available from such facilities. If it is necessary to achieve the goals of the program without exceeding the cost limit set forth in subsection (c) of this Section, renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in subsection (a) of this Section only if they are generated in facilities located in an area served by the regional transmission organization of which the utility is a member.

(e) The Department of Commerce and Economic Opportunity and other state officials shall attempt to work with public officials in directly adjacent states and other states currently in United States Environmental Protection Agency Region V to develop an agreement in which electric utilities in the State shall be allowed, after December 31, 2010, to count for the purpose of meeting the designated renewable energy standards set forth in subsection (a) of this Section some renewable energy resources generated in a directly adjacent state or in any state that is currently in United States Environmental Protection Agency Region V if that state has enacted renewable energy portfolio standards and that other state also allows renewable energy resources generated in the State to be counted towards meeting its statutory renewable energy standards on substantially the same basis. For the purposes of such an agreement, all renewable energy resources procured must meet the method of calculation set forth in this Act.

(f) Each electric utility shall report to the Commission on compliance with these standards by April 1 of each year, beginning in 2008.

(g) If an electric utility does not procure or obtain the full amount of renewable energy resources specified by the standards in subsection (a) of this Section, as modified by the limitations of subsection (c) of this Section, then the electric utility shall pay a penalty of $40 per megawatthour each year for any shortfall unless and until the utility makes sufficient purchases to meet the requirement. Provided, however, that, if the electric utility proves to the Commission that renewable energy resources are not available in sufficient quantities to meet the renewable energy standards set forth in subsection (a) of this Section, as modified by the limitations of subsection (c) of this Section, and, if the Commission finds that the electric utility has, in fact, proved that the renewable energy resources are not available in sufficient quantities, after notice and a hearing conducted in accordance with the Commission's rules of practice, then the Commission shall waive the penalty. Any penalty payment shall be deposited into the Renewable Energy Resources Trust Fund to be used by the Department of Commerce and Economic Opportunity for the sole purposes of supporting the actual development, construction, and utilization of renewable energy projects in the State.

(h) The Commission shall promulgate rules as necessary within 12 months after the effective date of this Act to assist in implementing this Section including, but not limited to, methods of procurement, accounting, tracking, and reporting in order to achieve the full objectives of this Section. The rules shall also provide for recovery of costs incurred and the pass through to customers of any savings achieved by electric utilities as a result of procuring or obtaining the renewable energy resources specified under subsection (a) of this Section. The rate elements and rates used for such cost recovery may be established by the electric utility, subject to the Commission's review and approval, outside the context of a general rate case.

(i) In connection with their compliance with the requirements of subsection (a) of this Section, electric utilities may enter into long-term contracts of up to 20 years in length with providers of renewable energy resources, and the costs or savings associated with those contracts shall be reflected in tariffed rates for the duration of those contracts.

(j) Nothing shall prohibit an electric utility from issuing a competitive solicitation for renewable energy resources in order to meet the standards of subsection (a) of this Section and from beginning to recover the associated costs in advance of the conclusion of the rulemaking referenced in subsection (h) of this Section, provided that such electric utility shall have first requested and received Commission approval for the design and conduct of such solicitation and the associated cost recovery methodology and tariff, which the Commission shall review and consider.

Section 905. The Energy Assistance Act is amended by changing Section 13 as follows:

(305 ILCS 20/13)

(Section scheduled to be repealed on December 31, 2007)

Sec. 13. Supplemental Low-Income Energy Assistance Fund.

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 17, and, by statutory deposit, the moneys collected pursuant to this Section. The Fund is also authorized to receive voluntary donations from individuals, foundations, corporations, and other sources, as well as contributions made in accordance with Section 507MM of the Illinois Income Tax Act. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.40 per month on each account for residential electric service;

(2) $0.40 per month on each account for residential gas service;

(3) $4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;

(4) $4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) $300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) $300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii)

to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Healthcare and Family Services ~~Economic Opportunity~~ may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2015 ~~2007~~ unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06; 94-817, eff. 5-30-06; revised 8-3-06.)

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1184

AMENDMENT NO. 3. Amend Senate Bill 1184 by replacing everything after the enacting clause with the following:

"ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Affordable and Clean Energy Standards (ACES) Law. References in this Article to "this Law" mean this Article.

Section 5-5. Findings. The General Assembly finds the following:

(1) Energy efficiency is a cost-effective resource that ensures affordable and reliable energy to Illinois consumers.

(2) It is desirable to obtain the environmental quality, public health, employment, economic development, rate stabilization, and fuel diversity benefits of developing new renewable energy resources for use in Illinois.

(3) The General Assembly has previously found and declared that the benefits of electricity from renewable energy resources accrue to the public at large, thus consumers and electric utilities and alternative retail electric suppliers share an interest in developing and using a significant level of these environmentally preferable resources in the State's electricity supply portfolio.

(4) Energy efficiency and renewable energy in Illinois are resources that are currently underutilized.

(5) Investment in energy efficiency and load management, combined with energy efficiency codes and standards, present important opportunities to increase Illinois' energy security, protect Illinois energy consumers from price volatility, preserve the State's natural resources and pursue an improved environment in Illinois.

(6) It serves the public interest to require public utility investments in cost-effective energy efficiency and load management by ensuring recovery of costs for reasonable and prudently incurred expenses of energy efficiency, renewable energy, and load management programs.

(7) Investments in energy efficiency and implementation of utility energy efficiency programs dedicated to economically-disadvantaged Illinois residents, in addition to existing low-income weatherization programs managed by the State of Illinois, will reduce the burden of utility costs on low-income customers.

(8) Public utility investments in cost-effective energy efficiency, renewable energy, and load management, combined with the adoption of efficiency codes and standards, can provide significant reductions in greenhouse gas emissions, regulated air emissions, water consumption, and natural resource depletion and can avoid or delay the need for more expensive generation, transmission, and distribution infrastructure.

(9) Investment in cost-effective energy efficiency programs and renewable energy resources by utilities is a public good that can provide real and sustained relief to customers whose rising energy costs continue to threaten the economic well-being of residential customers, businesses, and industries in the State.

Section 5-10. Definitions.

"Commission" means the Illinois Commerce Commission.

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

"Director", unless otherwise provided, means the Director of the Department of Commerce and Economic Opportunity, or the Director's designee.

"Energy conservation" is any reduction in electric power consumption or natural gas consumption resulting from increased energy efficiency in the end-use applications of electricity and natural gas and increased customer knowledge concerning the societal impacts of consumption.

"Energy efficiency" means measures, including energy conservation measures, or programs, including load management programs, that target customer behavior, equipment or devices, or development and demonstration of breakthrough energy efficiency equipment or devices, that result in a decrease in consumption of electricity or natural gas.

"Load management" means measures or programs that target equipment or devices to decrease peak electricity demand or shift demand from peak to off-peak periods.

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

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

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

"Planning costs" are the costs of evaluating the future demand for energy services and of evaluating alternative methods of satisfying that demand. Planning costs include, but are not to be limited to, costs associated with: (i) econometric and end-use forecasting; (ii) identification and evaluation of alternative demand-side and supply-side resource options; and (iii) evaluation of costs associated with alternative resources.

"Portfolio development costs" are costs of preparing a resource in a portfolio for prompt and timely acquisition. Portfolio development costs include, but are not to be limited to, costs associated with: (i) negotiating contracts for competitively acquired resources; (ii) acquiring and holding resource options; and (iii) developing and maintaining the capability to rapidly acquire demand-side resources.

"Renewable energy resources" includes energy or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, dedicated crops grown for energy production and organic waste biomass, hydropower that does not involve new construction or significant expansion of hydropower dams, and other such alternative sources of environmentally preferable energy. For purposes of this Law, landfill gas produced in the State shall be considered a renewable energy resource. "Renewable energy resources" does not include energy from the incineration, burning, or heating of waste wood, tires, garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, or construction or demolition debris.

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

"Energy efficiency resources" means energy efficiency programs designed to assist customers to use energy more efficiently, reduce or control their consumption of energy, as measured in kilowatts, kilowatthours or therms, or otherwise control the level of their gas or electric utility bills.

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or load management, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures.

Total resource cost test compares the sum of avoided electric and natural gas utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency programs, to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus costs to administer, deliver and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources.

In calculating avoided costs of power and energy that the gas and electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases.

Provisions include an oversight and evaluation process that shall periodically monitor and develop data on the cost effectiveness and actual productivity of demand-side efficiency and conservation programs.

"Unit of local government" means a county, township, municipality, municipal corporation, school district, community college district, community college board, forest preserve district, park district, fire protection district, sanitary district, or other local governmental bodies designated as units of local government by law.

Section 5-15. Utility energy efficiency programs.

(a) It is the policy of the State that electric and natural gas utilities are required to utilize cost-effective energy efficiency and load management investments in their energy resource portfolios. As used in this Section, "cost-effective" means that the utility's portfolio of programs, not including programs covered by item (4) of subsection (g) of this Section, satisfies the total resource cost test.

(b) Electric utilities shall use cost-effective energy efficiency resources to meet the following incremental annual program energy savings goals:

(1) 0.2% of energy delivered in 2008;
(2) 0.4% of energy delivered in 2009;
(3) 0.6% of energy delivered in 2010;
(4) 0.8% of energy delivered in 2011;
(5) 1% of energy delivered in 2012; and
(6) 1.4% of energy delivered in 2013;
(7) 1.8% of energy delivered in 2014; and
(8) 2% of energy delivered in 2015 and each year thereafter.

(c) Natural gas utilities shall use cost-effective energy efficiency resources to meet the following incremental annual program energy savings goals:

(1) 0.2% of total annual Mcf delivered in 2008;
(2) 0.4% of total annual Mcf delivered in 2009;
(3) 0.6% of total annual Mcf delivered in 2010;
(4) 0.8% of total annual Mcf delivered in 2011;
(5) 1% of total annual Mcf delivered in 2012; and
(6) 1.4% of total annual Mcf delivered in 2013;
(7) 1.8% of total annual Mcf delivered in 2014; and
(8) 2% of total annual Mcf delivered in 2015 and each year thereafter.

(d) Notwithstanding the provisions of subsections (b) and (c) of this Section, if the Commission's approval of a gas or electric utility's plan pursuant to subsection (f) of this Section is delayed beyond March 31, 2008, but occurs prior to April 1, 2009, the initial target year and each subsequent target year shall be delayed by one year; the targets shall be delayed by an additional year for each additional year or fraction thereof that the Commission's approval is delayed. In the event that the Commission's approval is delayed until after March 31, 2008, but occurs before July 1, 2008, the utility shall nonetheless meet one-quarter of the target for 2008 set out in item (1) of subsection (b) of this Section or item (1) of subsection (c) of this Section, adjusted as provided in subsection (f) of this Section.

(e) Notwithstanding the requirements of subsections (b) and (c) of this Section, an electric or natural gas utility may reduce the amount of energy efficiency resources it procures to meet energy savings

goals in any single year by an amount necessary to limit the estimated average increase due to the cost of these resources being included in the amounts paid by retail customers in connection with electric or gas service to no more than 0.5% of the amount estimated to have been paid by such customers during the preceding calendar year procurement, with such limit increasing by 0.5% in each of the years 2009 through 2011, for a maximum cap on the allowed estimated average increase due to the cost of these resources of 2%. Four years from the date after Commission approval of the initial energy efficiency plan filings, the Commission shall review the rate limitation and report to the General Assembly its findings as to whether the rate cap unduly constrains the procurement of energy efficiency resources that would be cost-effective.

(f) Electric and natural gas utilities shall be responsible for overseeing the design, development, and filing of their efficiency plans with the Commission. Electric and gas public utilities may administer up to 75% of the energy efficiency programs filed with and approved with the Commission, and may, as part of such administration, outsource various aspects of program development and implementation. The remaining 25% of those energy efficiency programs filed with and approved by the Commission must be administered by the Department of Commerce and Economic Opportunity, and must be designed in conjunction with the utility and the filing process. The Department may, as part of such administration, outsource aspects of program development and administration. A minimum of 10% of the Department's portfolio of cost-effective energy efficiency resources shall be procured from units of local government, municipal corporations, school districts, and community college districts. The Department of Commerce and Economic Opportunity shall administer the coordination of these programs.

The apportionment of the dollars to cover the costs to administer Department's share of the portfolio of programs shall be made to the Department once the Department has completed an RFP process for an individual program or programs.

The details of the programs administered by the Department shall be submitted by the Department to the Commission in connection with the utility's filing regarding the plans that the utility administers.

Each utility shall include, in its recovery of costs, the costs estimated for implementation and operation of the programs administered by the utility and by the Department. Costs collected by the utility that are for programs administered by the Department shall be submitted to the Department pursuant to Section 605-323 of the Civil Administrative Code of Illinois and shall be used by the Department solely for the purpose of administering the programs. The Department shall report to the Commission on an annual basis regarding the costs actually incurred by the Department in the implementation of the programs. Any changes to program costs as a result of program modifications shall be appropriately reflected in amounts recovered by the utility and turned over to the Department.

The portfolio of programs, administered by both the utilities and the Department shall, in combination, be designed to achieve the annual savings targets described in subsections (b) and (c) of this Section, as modified by subsections (d) and (e) of this Section.

The utility and the Department shall agree upon a reasonable division of the portfolio of programs and determine the measurable corresponding percentage of the savings goals represented by each administrator (whether utility or Department).

The revenue needs of the programs, as apportioned between the filing utility and the Department, shall roughly correlate to the savings targets and shall remain within the percentage described in this subsection (f).

No utility shall be assessed a penalty under subsection (g) of this Section for failure to make a timely filing if such failure is the result of a lack of agreement with the Department with respect the division of portfolio programs or related costs or target assignments. In such a case, the Department and the utility shall file their respective plans with the Commission and the Commission shall determine and appropriate division of programs that meets the requirements of this Section.

If Department is unable to meet incremental annual performance goals for the portion of the portfolio administered by the Department, then the utility and the Department shall jointly submit a modified filing to the Commission explaining the performance short-fall and recommending an appropriate course going forward, including any program modifications that may be appropriate in light of the evaluations conducted under item (7) of subsection (g) of this Section. In this case, the utility obligation to collect the Department's costs and turn over those funds to the Department under this subsection (f) shall continue only if the Commission approves the program modifications proposed by the Department.

(g) The Commission shall adopt rules within 3 months after the effective date of this Law that specify the procedure for electric and gas utilities to develop and submit an energy efficiency plan. Among other things, the rules shall include standards for defining the components of the total resource cost test. Rules

shall specify the process for coordination of energy efficiency program planning between the Department and the utilities. Rules shall also specify the methodology for establishing a price per kilowatthour for energy efficiency projects implemented by units of local government and the process by which the Department shall select these projects for inclusion in each utility's energy efficiency plan. Within 3 months after adoption by the Commission of rules, and every 3 years thereafter, Illinois electric and gas utilities shall file an energy efficiency plan with the Commission. If a utility does not file such a plan, it shall face a penalty of $100,000 per day until the plan is filed. Each utility's plan shall reflect the utility's judgment on how to meet the utility's portion of the energy efficiency goals identified in subsections (b) and (c) of this Section as modified by subsections (d) and (e), taking into account the unique circumstances of the utility's service territory. The Commission shall approve or disapprove each plan within 3 months after its submission. If the Commission disapproves a plan, the Commission shall, within 30 days, describe in detail the reasons for the disapproval and describe a path by which the utility may file a revised draft of the plan to address the Commissions concerns satisfactorily. If the utility does not re-file with the Commission within 60 days, the utility shall be subject to penalties at a rate of $100,000 per day until the plan is filed. This process shall continue, and penalties shall accrue, until the utility has successfully filed and the Commission has approved a portfolio of energy efficiency programs. Penalties shall be deposited into the Energy Efficiency Resources Trust Fund. In submitting proposed energy efficiency program plans and funding levels to meet the savings goals adopted by this Law the utility shall:

(1) Demonstrate that its proposed level of electric or natural gas energy efficiency program activities and funding is consistent with the adopted electric and natural gas savings goals that are identified in subsections (b) and (c) of this Section as modified by subsections (d) and (e).

(2) Present specific proposals for programs that help in the implementation of new building and appliance standards that have been placed into effect.

(3) Present estimates of the net short-term and long-term rate impacts associated with the proposed portfolio of programs designed to meet the adopted energy savings goals that are identified in subsections (b) and (c) of this Section as modified by subsections (d) and (e) of this Section. The utilities shall work with Commission to develop a consistent format for presenting these estimates in their filings.

(4) Coordinate with the Department and the Department of Healthcare and Family Services to present a portfolio of energy efficiency programs targeted to households at or below 150% of the poverty level at a level proportionate to those households' share of total annual utility revenues in Illinois.

(5) Demonstrate that its overall portfolio of investments in energy efficiency, not including programs covered by item (4) of this subsection (g), are cost-effective using the total resource cost test and represent a diverse cross-section of opportunities for customers of all rate classes to participate in the programs.

(6) Include a proposed cost recovery tariff mechanism to fund the proposed energy efficiency programs and to ensure the recovery of the prudently and reasonably incurred costs of Commission approved programs.

(7) Provide for an annual independent evaluation of the performance of the cost-effectiveness of the utility's portfolio of programs and the Department's portfolio of programs, as well as a full review of the 3-year results of the broader net program impacts and, to the extent practicable, for adjustment of the programs on a going forward basis as a result of the evaluations. The resources dedicated to evaluation shall not exceed 3% of portfolio resources in any given year.

(h) A public utility providing approved energy efficiency programs in the State shall be permitted to recover costs of those programs through an automatic adjustment clause tariff filed with and approved by the Commission. The tariff may be established outside the context of a general rate case. Each year the Commission shall initiate a review to reconcile any amounts collected with the actual costs and to determine the adjustment to the annual tariff factor to match annual expenditures. The determination shall be made within 90 days after the date of initiation of the review.

(i) No more than 3% of energy efficiency program revenue may be allocated for demonstration of breakthrough energy efficiency equipment and devices.

(j) Subsection (e) of this Section shall not apply to an Illinois public utility operating in an adjacent state with more than 100,000 but fewer than 200,000 customers in Illinois, offering energy efficiency programs under the Public Utilities Act.

Section 5-20. Renewable portfolio standard.

(a) An electric utility shall procure or obtain cost-effective renewable energy resources in amounts

that equal or exceed the following percentages of the total electricity that the electric utility supplies to its retail Illinois customers: 2% by December 31, 2008; 4% by December 31, 2009; 5% by December 31, 2010; 6% by December 31, 2011; 7% by December 31, 2012; 8% by December 31, 2013; 9% by December 31, 2014; and 10% by December 31, 2015. It shall be the goal of the State that cost-effective renewable energy resources available to supply an amount of the total electricity that electric utilities supply to their retail customers that continues to increase after 2015 by 1.5% per year to 25% by 2025. Provided, however, that if the Commission's adoption of rules pursuant to subsection (f) of this Section is delayed beyond March 31, 2008, but occurs prior to April 1, 2009, the initial target year and each subsequent target year shall be delayed by one year; the targets shall be delayed by an additional year for each additional year or fraction thereof that the Commission's adoption of rules is delayed. In the event that the Commission's adoption of rules is delayed after March 31, 2008, but occurs before July 1, 2008, the utility shall nonetheless meet one-quarter of the target for 2008 of electricity supplied to retail Illinois customers by December 31, 2008. To the extent that it is available, at least 75% of the renewable energy resources used to meet these standards shall come from wind generation. For purposes of this Section "cost-effective" shall mean that the costs of procuring renewable energy resources do not cause the limit stated in subsection (b) of this Section to be exceeded.

(b) For purposes of this Section, the required procurement of renewable energy resources for a particular year shall be measured as a percentage of the actual amount of electricity (megawatthours) supplied by the electric utility in the calendar year ending immediately prior to the procurement.

Notwithstanding the requirements of subsection (a) of this Section, an electric utility may reduce the amount of renewable energy resources procured under new contracts in any single by an amount necessary to limit the estimated average net increase due to the costs of these resources included in the amounts paid by retail customers in connection with electric service to no more than 0.5% of the amount paid by such customers during the preceding calendar year, with such limit increasing by 0.5% in each of the 3 years 2009 through 2011, for a maximum cap on the allowed estimated average increase due to the cost of these resources of 2.5%. The maximum cap on the allowed estimated average increase due to the cost of these resources is 2%. No later than June 30, 2011, the Commission shall review the rate limitation and report to the General Assembly its findings as to whether the rate cap unduly constrains the procurement of renewable energy resources.

(c) Through December 31, 2011, renewable energy resources shall be counted for the purpose of meeting the renewable energy standards set forth in subsection (a) of this Section only if they are generated from facilities located in the State, provided that cost-effective renewable resources are available from such facilities. After December 31, 2011, renewable energy resources located in states that adjoin Illinois may be counted towards compliance with the standards set forth in subsection (a) of this Section so long as such resources are generated from resources that meet the definition of renewable energy resources as defined by this statute. Any electric utility with fewer than 90,000 but more than 50,000 customers in Illinois as of January 1, 2007 shall be allowed to count renewable energy resources generated in a state adjoining Illinois for the purpose of meeting the renewable energy standard set forth in subsection (a) of this Section if such resources are generated from a facility constructed in the year 2006.

(d) Each electric utility shall report to the Commission on compliance with these standards by April 1 of each year, beginning in 2009.

(e) If an electric utility does not, during a calendar year, procure or obtain the full amount of renewable energy resources specified by the standards in subsection (a) of this Section, as modified by the limitations of subsection (b) of this Section, then the electric utility shall pay a penalty of $40 per megawatthour each year for any shortfall during such year unless and until the utility makes sufficient additional purchases to meet the requirement. Provided, however, that, if the electric utility proves to the Commission that cost-effective renewable energy resources are not available in sufficient quantities to meet the renewable energy standards set forth in subsection (a) of this Section, as modified by the limitations of subsection (b) of this Section, and, if the Commission finds that the electric utility has, in fact, proved that the cost-effective renewable energy resources are not available in sufficient quantities, after notice and a hearing conducted in accordance with the Commission's rules of practice, then the Commission shall waive the penalty. Any penalty payment shall be deposited into the Renewable Energy Resources Trust Fund to be used by the Department of Commerce and Economic Opportunity for the sole purposes of supporting the actual development, construction, and utilization of renewable energy projects in the State.

(f) The Commission shall adopt rules as necessary within 9 months after the effective date of this Law to assist in implementing this Section including, but not limited to, methods of procurement, accounting, tracking, and reporting in order to achieve the full objectives of this Section. The rules shall also provide

for recovery of costs incurred and the pass through to customers of any savings achieved by electric utilities as a result of procuring or obtaining the renewable energy resources specified under subsection (a) of this Section. The rate elements and rates used for such cost recovery may be established by the electric utility, subject to the Commission's review and approval, outside the context of a general rate case.

(g) In connection with their compliance with the requirements of subsection (a) of this Section, electric utilities may enter into long-term contracts of up to 20 years in length with providers of renewable energy resources, and the costs or savings associated with those contracts shall be reflected in tariffed rates for the duration of those contracts.

(h) Nothing shall prohibit an electric utility from issuing a competitive solicitation for renewable energy resources in order to meet the standards of subsection (a) of this Section and from beginning to recover the associated costs in advance of the conclusion of the rulemaking referenced in subsection (f) of this Section, provided that such electric utility shall have first requested and received Commission approval for the design and conduct of such solicitation and the associated cost recovery methodology and tariff.

ARTICLE 10

Section 10-1. Short title. This Article may be cited as the Wind Energy Indemnity Fund Law. References in this Article to "this Law" mean this Article.

Section 10-5. Definitions.

"Abandonment" means:

(1) in the case of a landowner claimant:

(A) failure by the wind energy company to operate a wind turbine or wind turbines for the purpose for which they were designed and installed, for a period of 12 consecutive months; and

(B) failure to pay the landowner moneys owed to him or her in accordance with the underlying agreement, for a period of 6 consecutive months;

(2) in the case of a county board claimant:

(A) failure by the wind energy company to operate a wind turbine or wind turbines for the purposes for which they were designed and installed, for a period of 12 consecutive months; and

(B) failure to adhere to any or all of the restrictions and conditions that were part of the approval process of the appropriate county authority for the granting of the special use permit, conditional use permit, zoning change, or zoning or permitting ordinance of any kind given in order to allow the installation and operation of the wind turbine or wind turbines.

"Board" means the governing body of the Wind Energy Indemnity Fund Corporation that is created in Section 10-50.

"Claimant" means either a landowner or a county board seeking to have a deconstruction paid for from the Wind Energy Indemnity Fund and carried out by the Department of Agriculture.

"Corporation" means the Wind Energy Indemnity Fund Corporation, as established in Section 10-50.

"County board" has the meaning set forth in Section 1.07 of the Statute on Statutes.

"Deconstruction" means removal of all property comprising a wind energy generation facility from the property of a landowner and restoration of the property to the condition in which it existed immediately prior to the construction of the facility, including, but not limited to, soil type and topography; provided, however, that foundations, pads, electrical lines, and any other underground facilities must be removed to a depth of 4 feet below the surface of the ground.

"Department" means the Department of Agriculture.

"Director", unless otherwise provided, means the Director of Agriculture, or the Director's designee.

"Fund" means the Wind Energy Indemnity Fund.

"Landowner" means any person with an ownership interest in property subject to an underlying agreement.

"Person" means any individual or entity, including, but not limited to, a sole proprietorship, a partnership, a corporation, a cooperative, an association, a limited liability company, an estate, a trust, or a governmental agency.

"Underlying agreement" means a written arrangement with a landowner, including, but not limited to, an easement, under the terms of which a person constructs or intends to construct a wind energy generation facility on the property of the landowner.

"Wind energy generation facility" means all property of any nature whatsoever comprising an operation designed to harness wind energy and create electricity therefrom, including, but not limited to, turbines, towers, roadways, concrete foundations, transmission lines, and poles, all situated on, under, or over the property of a landowner.

"Wind energy indemnity trust account" or "trust account" means a trust account established by the Director of the Department of Agriculture that is used for the receipt and disbursement of moneys paid from the Fund.

"Wind turbine" means each tower, blade, and propeller housing designed for wind energy generation.

Section 10-10. Powers and duties of the Director of the Department of Agriculture. The Director has all powers necessary and proper to fully and effectively execute the provisions of this Law and has the general duty to implement this Law. The Director's powers and duties include, but are not limited to, the following:

(1) The Director shall serve as president of the Corporation.

(2) The Director may take any action that may be reasonable or appropriate to enforce this Law and its rules.

Section 10-15. Administrative procedure. The Illinois Administrative Procedure Act applies to this Law.

Section 10-20. Administrative review and venue. Final administrative decisions of the Department of Agriculture are subject to judicial review under Article III of the Code of Civil Procedure and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. An action to review a final administrative decision under this Law may be commenced in the circuit court of any county in which any part of the transaction occurred that gave rise to the claim that was the subject of the proceedings before the Department of Agriculture.

Section 10-25. Rules. The Department of Agriculture may adopt rules that are necessary for the implementation and administration of this Law.

Section 10-30. Fund assessments.

(a) There is an assessment of $10,000 for each wind turbine constructed or under construction as of the effective date of this Law and for each turbine constructed thereafter, under the provisions of an underlying agreement. The assessment is an obligation of the owner of each wind turbine and is payable in one initial payment of $5,000 and an additional $5,000 payable in equal annual installments of $250 over a period of 20 years; provided, however, that the subsequent annual installments must be adjusted based on inflation, as reflected in the Consumer Price Index, on an annual basis. The initial payment is payable within 90 days after the effective date of this Law for wind turbines already constructed or under construction, and, in all other cases, prior to the commencement of construction.

(b) All installments under this Section must be sent to the Department of Agriculture and made payable to the Corporation. It is the responsibility of all parties to an underlying agreement to report the existence and specific provisions of the underlying agreement to the Department of Agriculture.

(c) The Department of Agriculture shall mail all assessment notices to owners of wind energy generation facilities at least 30 days before the assessment installment is due.

(d) All wind turbines already constructed, under construction, or issued a building permit before the effective date of this Law are to provide proof to the county of payment to the Fund within 95 days after the effective date of this Law. If such proof of payment is not provided, then the county must order the wind energy company to stop all operation and construction activities until the county receives proof of payment to the Fund. For all other wind turbines, no county may issue a building permit without being provided proof that the above assessment has been paid to the Fund.

Section 10-35. Abandonment. Upon an administrative finding in a hearing held by the Department of Agriculture that a deconstruction has been validly determined and ordered by either a court of competent jurisdiction or an arbitrator in binding arbitration, and deconstruction, after a period of at least 8 months, has not been completed satisfactorily, the Director has all the powers for the benefit of claimants as established under this Law, including, but not limited to, the power to do the following:

(a) request the transfer of moneys from the Wind Energy Indemnity Fund to the trust account for the purpose of paying the cost of deconstruction in accordance with this Law;

(b) disburse the funds in the trust account for the deconstruction in accordance with this Law;

(c) cause the sale of the deconstructed assets;

(d) retain from the sale of the deconstructed assets moneys adequate to cover the costs to the Department of Agriculture of the deconstruction, and pay those amounts to the Fund; or

(e) return all moneys over and above the costs to the Department of Agriculture for the deconstruction to the owner or owners of the deconstructed assets, or to the holders of valid liens on those assets.

Section 10-40. Statutory lien. Except as otherwise provided in this Section, the Department of Agriculture shall have a lien prior and paramount to all other liens of any sort on the assets of the wind energy system to the extent of the costs incurred by the Department to accomplish the deconstruction of the abandoned wind energy system, which arises and attaches upon construction of said wind energy system. The lien herein granted to the Department shall not be prior and paramount to the statutory lien in favor of real property taxes.

Section 10-45. Claims.

(a) A claimant shall file a complaint on forms supplied by the Department of Agriculture that contains at least the following:

(1) the name and address of the claimant;

(2) the name and address of the owner of the wind energy generation facility in question;

(3) the location of the wind energy generation facility in question;

(4) a copy of either a court decision, or the finding of an arbitrator in binding arbitration proceeding, that indicates a finding of abandonment of the wind energy generation facility in question; a determination that the underlying agreement is null, void, and of no further force and effect; and an order for deconstruction of same. The court order or arbitration decision must have been rendered at least 8 months previously, and the time for all appeals and related proceedings must have lapsed;

(5) evidence showing that the deconstruction ordered by a court, or by an arbitrator in a proceeding for binding arbitration, has not been carried to a satisfactory conclusion, as defined in this Law; and

(6) a request that the funds necessary to perform the deconstruction be paid to the Department from the Fund and that the Department of Agriculture carry out the deconstruction in accordance with the order of the court or the arbitrator and in accordance with the definition of deconstruction as contained in this Law.

(b) A hearing shall be held by the Department of Agriculture and a decision rendered as to the validity of the claimant's complaint. In the event of a finding that the complaint is valid, then, within 90 days after the date, the Department shall obtain at least 2 bids from contractors to carry out the specific deconstruction. One bidder must be chosen by the Department within the following 60 days, and the Department, within 60 days thereafter, shall enter into a written agreement with the successful bidder for the deconstruction, which must be accomplished within 6 months thereafter.

(c) It is the responsibility of the Department of Agriculture to monitor the progress of the deconstruction and provide the necessary supervisory oversight to ensure that it is accomplished in accordance with the deconstruction agreement and the provisions of this Act.

Section 10-50. Illinois Wind Energy Indemnity Fund Corporation; creation; powers.

(a) There is hereby created the Illinois Wind Energy Indemnity Fund Corporation, a political subdivision, body politic, and public corporation. The governing powers of the Corporation are vested in the Board of Directors composed of the Director, who shall personally serve as President; the Attorney General or his or her designee, who shall serve as Secretary; the State Treasurer or his or her designee, who shall serve as Treasurer; and the Chairman of the Illinois Commerce Commission, or his or her designee. Three members of the Board constitute a quorum at any meeting of the Board, and the affirmative vote of 3 members is necessary for any action taken by the Board at a meeting, except that a lesser number may adjourn a meeting from time to time. A vacancy in the membership of the Board does not impair the right of a quorum to exercise all the rights and perform all the duties of the Board and

Corporation.

(b) The Corporation has the following powers, together with all powers incidental or necessary to the discharge of those powers in corporate form:

(1) to have perpetual succession by its corporate name as a corporate body;

(2) to adopt, alter, and repeal by-laws, not inconsistent with the provisions of this Law, for the regulation and conduct of its affairs and business;

(3) to adopt and make use of a corporate seal and to alter the seal at pleasure;

(4) to avail itself of the use of information, services, facilities, and employees of the State of Illinois in carrying out the provisions of this Law;

(5) to receive funds assessed by the Department of Agriculture under this Law;

(6) to administer a fund, to be known as the Wind Energy Indemnity Fund, by investing funds of the Corporation that the Board may determine are not presently needed for its corporate purposes;

(7) upon the request of the Director, to make payment from the Fund to the Trust Account when payment is necessary to pay costs of deconstruction in accordance with the provisions of this Law;

(8) to authorize, receive, and disburse funds by electronic means; and

(9) to have those powers that are necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation and all incidental powers that are customary in corporations.

(c) All assessments by the Department of Agriculture must be held by the Corporation in the Fund.

(d) Subject to applicable law, the assets of the Fund may me invested and reinvested at the discretion of the Corporation, and the income from these investments must be deposited into the Fund and must be available for the same purposes as all other assets of the Fund.

(e) The assets of the Fund may not be available for any purposes other than the payment of deconstruction costs under this Law and the payment of refunds of amounts that the Board determines have been inappropriately paid into the Fund, and may not be transferred to any other fund, other than the trust account when necessary to pay deconstruction costs under this Law or to pay refunds authorized by the Board.

Section 10-55. No waiver. Neither the Board nor the Director has the authority to alter, vary, or revise the provisions of this Law by agreement with any claimant or other entity.

Section 10-90. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-5 as follows:

(20 ILCS 687/6-5)

(Section scheduled to be repealed on December 16, 2007)

Sec. 6-5. Renewable Energy Resources and Coal Technology Development Assistance Charge.

(a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (e) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Renewable Energy Resources and Coal Technology Development Assistance Charge. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.05 per month on each account for residential electric service as defined in Section 13 of the Energy Assistance Act;

(2) $0.05 per month on each account for residential gas service as defined in Section 13 of the Energy Assistance Act;

(3) $0.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had less than 10 megawatts of peak demand during the previous calendar year;

(4) $0.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) $37.50 per month on each account for nonresidential electric service, as defined in

Section 13 of the Energy Assistance Act, which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) $37.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(b) The Renewable Energy Resources and Coal Technology Development Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(c) Fifty percent of the moneys collected pursuant to this Section shall be deposited in the Renewable Energy Resources Trust Fund by the Department of Revenue. The remaining 50 percent of the moneys collected pursuant to this Section shall be deposited in the Coal Technology Development Assistance Fund by the Department of Revenue for the exclusive purposes of (1) capturing or sequestering carbon emissions produced by coal combustion; (2) supporting research on the capture and sequestration of carbon emissions produced by coal combustion; and (3) improving coal miner safety ~~use under the Illinois Coal Technology Development Assistance Act~~.

(d) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each utility and alternative retail electric supplier collecting charges pursuant to this Section shall remit to the Department of Revenue for deposit in the Renewable Energy Resources Trust Fund and the Coal Technology Development Assistance Fund all moneys received as payment of the charge provided for in this Section on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require.

(e) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric or gas cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric or gas cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, its customers shall not be eligible for the Renewable Energy Resources Program.

(f) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(Source: P.A. 92-690, eff. 7-18-02.)

ARTICLE 99

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 1184

AMENDMENT NO. 4. Amend Senate Bill 1184, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 4, line 7, after "of", by inserting "energy"; and

on page 5, line 15, after "biomass,", by inserting "biodiesel,"; and

on page 9, line 26, by deleting "up to"; and

on page 10, line 10, by replacing "Department's" with "entire"; and

on page 18, line 1, after "single", by inserting "year"; and

on page 18, by replacing lines 7 through 9 with the following:
"in each of the 3 years 2009 through 2011. The maximum cap on the allowed estimated"; and

on page 18, line 26, after "50,000", by inserting "electric"; and

on page 21, line 4, by replacing "and" with "or"; and

on page 32, by replacing line 12 with the following:
"changing Sections 6-5 and 6-7 as follows:"; and

on page 35, immediately below line 18, by inserting the following:
"(20 ILCS 687/6-7)
(Section scheduled to be repealed on December 16, 2007)
Sec. 6-7. Repeal. The provisions of this Law are repealed on December 12, 2015 ~~10 years after the effective date of this amendatory Act of 1997 unless renewed by act of the General Assembly~~.
(Source: P.A. 90-561, eff. 12-16-97.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Harmon, **Senate Bill No. 1184**, 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:

Althoff	Garrett	Maloney	Sandoval
Bomke	Haine	Martinez	Schoenberg
Bond	Halvorson	Meeks	Sieben
Burzynski	Harmon	Millner	Silverstein
Collins	Hendon	Munoz	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Trotter
Cullerton	Hunter	Pankau	Viverito
Dahl	Jones, J.	Peterson	Watson
DeLeo	Koehler	Radogno	Wilhelmi
Delgado	Kotowski	Raoul	Mr. President
Demuzio	Lauzen	Righter	
Dillard	Lightford	Risinger	
Forby	Link	Ronen	
Frerichs	Luechtefeld	Rutherford	

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 12:50 o'clock p.m., Senator Halvorson presiding.

On motion of Senator Cullerton, **Senate Bill No. 810**, 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:

Althoff	Frerichs	Link	Sandoval
Bomke	Garrett	Luechtefeld	Schoenberg
Bond	Haine	Maloney	Sieben
Brady	Halvorson	Martinez	Silverstein
Burzynski	Harmon	Millner	Sullivan
Collins	Hendon	Munoz	Syverson
Cronin	Holmes	Murphy	Trotter
Crotty	Hultgren	Noland	Viverito
Cullerton	Hunter	Pankau	Watson
Dahl	Jacobs	Peterson	Wilhelmi
DeLeo	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lauzen	Ronen	
Forby	Lightford	Rutherford	

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 1:10 o'clock p.m., Senator Link presiding.

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its May 9, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Committee Amendment No. 1 to House Bill 913; Senate Committee Amendment No. 1 to House Bill 1030; Senate Committee Amendment No. 1 to House Bill 1330; Senate Committee Amendment No. 1 to House Bill 1647; Senate Committee Amendment No. 1 to House Bill 1969; Senate Committee Amendment No. 2 to House Bill 1969; Senate Committee Amendment No. 3 to House Bill 1969**.

Executive: **Senate Committee Amendment No. 1 to House Bill 573; Senate Committee Amendment No. 1 to House Bill 1455; Senate Committee Amendment No. 1 to House Bill 2304**.

Financial Institutions: **Senate Committee Amendment No. 2 to House Bill 497**.

Insurance: **Senate Committee Amendment No. 1 to House Bill 1319**.

Judiciary Civil Law: **Senate Committee Amendment No. 1 to House Bill 830; Senate Committee Amendment No. 1 to House Bill 1462; Senate Committee Amendment No. 2 to House Bill 3393; Senate Committee Amendment No. 1 to House Bill 3627**.

Judiciary Criminal Law: **Senate Committee Amendment No. 1 to House Bill 39; Senate Committee Amendment No. 1 to House Bill 1403; Senate Committee Amendment No. 1 to House Bill 1717**.

Labor: **Senate Committee Amendment No. 1 to House Bill 374; Senate Committee Amendment No. 2 to House Bill 374; Senate Committee Amendment No. 1 to House Bill 820; Senate Committee Amendment No. 1 to House Bill 1911**.

Licensed Activities: **Senate Committee Amendment No. 1 to House Bill 118; Senate Committee Amendment No. 1 to House Bill 121**; **Senate Committee Amendment No. 2 to House Bill 1423; Senate Committee Amendment No. 2 to House Bill 1947; Senate Committee Amendment No. 3 to House Bill 1947**.

Pensions and Investments: **Senate Committee Amendment No. 1 to House Bill 1960**.

Revenue: **Senate Committee Amendment No. 1 to House Bill 1519**.

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to House Bill 3490**; **Senate Committee Amendment No. 1 to Senate Joint Resolution 29; Senate Committee Amendment No. 1 to Senate Joint Resolution 43**.

At the hour of 1:20 o'clock p.m., Senator Hendon presiding.

At the hour of 1:20 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 10, 2007, at 1:00 o'clock p.m.