SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

109TH LEGISLATIVE DAY

THURSDAY, APRIL 15, 2010

10:09 O'CLOCK A.M.

NO. 109
[April 15, 2010]

SENATE
Daily Journal Index
109th Legislative Day

Action	Page(s)
Communication	74
Introduction of Senate Bill No. 3929	8
Legislative Measure(s) Filed	4
Message from the President	4
Presentation of Senate Joint Resolution No. 123	73
Presentation of Senate Resolution No. 763	7
Report from Assignments Committee	51, 52, 70
Report from Standing Committee	9
Resolutions Consent Calendar	71

Bill Number	Legislative Action	Page(s)
SB 0375	Recalled - Amendment(s)	11
SB 0375	Third Reading	12
SB 0580	Recalled - Amendment(s)	13
SB 0580	Third Reading	24
SB 0678	Recalled - Amendment(s)	25
SB 0678	Third Reading	28
SB 0731	Recalled - Amendment(s)	29
SB 0731	Third Reading	31
SB 2505	Recalled - Amendment(s)	31
SB 2505	Third Reading	39
SB 2547	Recalled - Amendment(s)	39
SB 2547	Third Reading	40
SB 2556	Recalled - Amendment(s)	41
SB 2556	Third Reading	43
SB 2863	Recalled - Amendment(s)	44
SB 2863	Third Reading	49
SB 2925	Consideration Postponed	51
SB 2925	Recalled - Amendment(s)	50
SB 3064	Consideration Postponed	51
SB 3215	Recalled - Amendment(s)	52
SB 3215	Third Reading	53
SB 3320	Recalled - Amendment(s)	53
SB 3320	Third Reading	60
SB 3346	Recalled - Amendment(s)	60
SB 3346	Third Reading	65
SB 3348	Third Reading	66
SB 3513	Recalled - Amendment(s)	66
SB 3513	Third Reading	68
SB 3716	Recalled - Amendment(s)	68
SB 3716	Third Reading	69
SB 3781	Third Reading	70
SJR 0123	Adopted	73
SR 0763	Committee on Assignments	8
HB 4623	First Reading	10
HB 5076	First Reading	10
HB 5149	First Reading	10
HB 5494	First Reading	10
HB 5744	First Reading	10
HB 5824	First Reading	10

HB 5947	First Reading	10
HB 5991	First Reading	11
HB 6059	Second Reading	11
HB 6125	First Reading	11
HB 6126	First Reading	11
HB 6235	First Reading	11
HJR 0107	Adopted	71

The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Father Robert Jallas, St. Agnes Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, April 14, 2010, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Joint Resolution Constitutional Amendment No. 120

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

Senate Floor Amendment No. 5 to Senate Bill 580
Senate Floor Amendment No. 2 to Senate Bill 2850
Senate Floor Amendment No. 2 to Senate Bill 3343

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

Senate Committee Amendment No. 1 to House Bill 4580
Senate Committee Amendment No. 1 to House Bill 4781
Senate Committee Amendment No. 1 to House Bill 5080
Senate Committee Amendment No. 1 to House Bill 5126
Senate Committee Amendment No. 1 to House Bill 5183
Senate Committee Amendment No. 1 to House Bill 5290
Senate Committee Amendment No. 1 to House Bill 5527
Senate Committee Amendment No. 1 to House Bill 5766
Senate Committee Amendment No. 1 to House Bill 5868
Senate Committee Amendment No. 2 to House Bill 6419

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

Senate Floor Amendment No. 1 to House Bill 4698
Senate Floor Amendment No. 1 to House Bill 4715
Senate Floor Amendment No. 1 to House Bill 5150

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Don Harmon to temporarily replace Senator Gary Forby as a member of the Senate Consumer Protection Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Consumer Protection Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Iris Martinez as a member of the Senate Commerce Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Commerce Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Iris Martinez as a member of the Senate Pensions Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Pensions Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator A.J. Wilhelmi to temporarily replace Senator Gary Forby as a member of the Senate Telecommunications & Information Technology Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Telecommunications & Information Technology Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Heather Steans to temporarily replace Senator Michael Jacobs as a member of the Senate Telecommunications & Information Technology Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Telecommunications & Information Technology Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Heather Steans to temporarily replace Senator Gary Forby as a member of the Senate Labor Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Labor Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

April 15, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Kimberly Lightford to temporarily replace Senator Louis Viverito as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTION

Senators McCarter – Brady – Radogno - Duffy - Murphy offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 763

WHEREAS, The conviction of former Governor George Ryan and the arrest and pending trial of former Governor Rod Blagojevich have caused a crisis of confidence of Illinois citizens and taxpayers in their government; and

WHEREAS, Former Governor Rod Blagojevich was accused of, among other things, corruption involving patronage hiring, awarding of State contracts, making of board and commission appointments, and other abuses of State power; and

WHEREAS, The decisions of State government, boards, and commissions were often based on the level of campaign contributions and not on the best interests of the taxpayers; and

WHEREAS, The State budget deficit is estimated at over $13 billion and liabilities are estimated to total over $120 billion including pension debt, yet there are varying reports of how many programs the State runs, how many special funds exist, and what the precise amount of the deficit is; and

WHEREAS, The State of Illinois ranks 48th in job growth and economic vitality, has had a net loss of over 700 manufacturing firms in the last year, and has had a population outflow of 735,000 people in the last decade due to loss of confidence in State government; and

WHEREAS, A forensic audit is a thorough and evidentiary audit that can identify corrupt practices that have occurred and provide the basis for prosecution of those who engaged in those practices; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed pursuant to Section 3-2 of the Illinois State Auditing Act to conduct a forensic audit of all State spending, hiring, procurement, and contracts awarded and the appointment of board and commission officials and decisions made by boards and commissions or those with procurement or hiring authority during the Blagojevich administration, specifically all expenditures and actions from January 1, 2001 to January 1, 2010; and be it further

RESOLVED, That the Auditor General commence this forensic audit as soon as possible and report the findings and recommendations upon completion in accordance with the Illinois State Auditing Act; and be it further

RESOLVED, That the Office of the Governor shall provide all needed information and, if necessary, the Senate shall issue any needed subpoenas that the Auditor General deems necessary; and be it further

RESOLVED, That a commission of 6 individuals equally divided between Republican members (appointed by the Senate Republican Minority Leader) and Democrat members (appointed by the President of the Senate) shall be appointed to oversee the effort; and be it further

RESOLVED, That the Auditor General, upon finding any incident of suspected corruption, shall file a complaint to the Executive Inspector General or other appropriate Inspector General to be referred for further investigation and possible prosecution; and be it further

RESOLVED, That a copies of this resolution be delivered to the Auditor General and the Governor.

INTRODUCTION OF BILL

SENATE BILL NO. 3929. Introduced by Senator Luechtefeld, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

REPORTS FROM STANDING COMMITTEES

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 4854, 4864, 5190, 5203, 5513, 5691 and 6194,** reported the same back with the recommendation that the bills do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 5514 and 6415,** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2863

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

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 4723, 4797, 5144, 5158, 5603, 5813 and 6317,** reported the same back with the recommendation that the bills do pass.

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 4802, 4836, 5109, 5120, 5842, 5913, 6231 and 6299,** reported the same back with the recommendation that the bills do pass.

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution Constitutional Amendment No. 120,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution Constitutional Amendment No. 120** was placed on the Secretary's Desk on the order of first reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Joint Resolution No. 107,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 107** was placed on the Secretary's Desk on the order of first reading.

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

Senate Amendment No. 2 to Senate Bill 375
Senate Amendment No. 3 to Senate Bill 580
Senate Amendment No. 4 to Senate Bill 580
Senate Amendment No. 5 to Senate Bill 3348

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 2360, 3631, 4586, 4798, 4858, 4863, 4871, 4961, 5011, 5398, 5463, 5538, 5678, 5854, 6059, 6267 and 6268,** reported the same back with the recommendation that the bills do pass.

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bill No. 5823,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 3215

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

Senator Haine, of the Committee on Insurance, to which was referred **House Bills Numbered 5018 and 5079,** reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on Consumer Protection, to which was referred **House Bills Numbered 4698, 4722, 4801 and 6412,** reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on Consumer Protection, to which was referred **House Bill No. 4860,** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bill No. 4865,** reported the same back with the recommendation that the bill do pass.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4623, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5076, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5149, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5494, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5744, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5824, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5947, sponsored by Senator Hultgren, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5991, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6125, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6126, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6235, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Silverstein, **House Bill No. 6059** was taken up, read by title a second time and ordered to a third reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Kotowski, **Senate Bill No. 375** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was withdrawn by the sponsor.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 375

AMENDMENT NO. 2. Amend Senate Bill 375 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Sections 20-25 and 20-60 as follows:

(30 ILCS 500/20-25)

(Text of Section before amendment by P.A. 96-795)

Sec. 20-25. Sole source procurements. In accordance with standards set by rule, contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item. At least 2 weeks before entering into a sole source contract, the purchasing agency shall publish in the Illinois Procurement Bulletin a notice of intent to do so along with a description of the item to be procured and the intended sole source contractor.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(Text of Section after amendment by P.A. 96-795)

Sec. 20-25. Sole source procurements.

(a) In accordance with standards set by rule, contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item. A State contract may not be awarded as a sole source procurement unless approved by the chief procurement officer following a public hearing at which the chief procurement officer and purchasing agency present written justification for the procurement method. The Procurement Policy Board and the public may present testimony.

(b) This Section may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

(c) Notice of intent to enter into a sole source contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 days before the public hearing required in subsection (a). The notice shall include the sole source procurement justification form prescribed by the Board, a description of the item to be procured, the intended sole source contractor, and the date, time, and location of the public hearing. A copy of the notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.

(d) By August 1 each year, each chief procurement officer shall file a report with the General Assembly identifying each contract the officer sought under the sole source procurement method and providing the justification given for seeking sole source as the procurement method for each of those contracts.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/20-60)

Sec. 20-60. Duration of contracts; renewal or extension.

(a) Maximum duration. A contract, other than a contract entered into pursuant to the State University Certificates of Participation Act, may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.

(c) If a chief procurement officer proposes to extend or renew a contract entered into under this Code by the State and the total value of the contract for the initial term and all proposed extended or renewed terms would exceed $249,999, then the chief procurement officer must first file the proposed extension or renewal with the Procurement Policy Board. If the Procurement Policy Board does not object to the proposed extension or renewal within 30 calendar days after filing, then the extension or renewal may be entered into. This subsection does not apply to any emergency procurement, any procurement under Article 40, or any procurement exempted by Section 1-10(b) of this Code. If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board. By August 1 each year, the Procurement Policy Board shall file a report with the General Assembly identifying the proposed extensions or renewals that were filed with the Board during the previous fiscal year and specifying which of those to which the Board objected.

(Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Kotowski, **Senate Bill No. 375**, 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 49; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Kotowski	Raoul
Bivins	Garrett	Lauzen	Risinger
Bomke	Haine	Lightford	Sandoval
Bond	Harmon	Link	Silverstein
Burzynski	Hendon	Luechtefeld	Steans
Clayborne	Holmes	Maloney	Sullivan
Collins	Hultgren	Martinez	Syverson
Cronin	Hunter	McCarter	Trotter
Crotty	Hutchinson	Millner	Wilhelmi
Dahl	Jacobs	Muñoz	Mr. President
Delgado	Jones, E.	Noland	
Demuzio	Jones, J.	Pankau	
Duffy	Koehler	Radogno	

The following voted present:

Schoenberg

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 10:25 o'clock a.m., Senator Lightford, presiding.

SENATE BILL RECALLED

On motion of Senator Cronin, **Senate Bill No. 580** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 580

AMENDMENT NO. 3. Amend Senate Bill 580, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Sections 5-1012, 5-1024, and 5-15003 and by adding the heading of Div. 5-43 and Sections 5-43000, 5-43005, 5-43010, 5-43015, 5-43020, 5-43025, 5-43030, 5-43035, 5-43040, 5-43045, 5-43050, 5-43055, 5-43060, and 5-43065 as follows:

(55 ILCS 5/5-1012) (from Ch. 34, par. 5-1012)

Sec. 5-1012. Issuance of county bonds. When the county board of any county deems it necessary to issue county bonds to enable them to perform any of the duties imposed upon them by law, they may, by an order, entered of record, specifying the amount of bonds required, and the object for which they are to be issued, submit to the legal voters of their county, at any election, the question of issuing such county bonds. The county board shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law. The amount of the bonds so issued shall not exceed, including the then existing indebtedness of the county, 5.75% of the value of such taxable property of such county, as ascertained by the assessment for the State and county tax for the preceding year or, until January 1, 1983, if greater, the sum that is produced by multiplying the county's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979. For the purposes of calculating the rate limitation, the amount of any bonds or indebtedness transferred to a successor county under Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985 pursuant to this amendatory Act of the 96th General Assembly shall be excluded. The proposition shall be in substantially the following form: "For county bonds", or "Against county bonds", and if a majority of the votes on that question shall be "For county bonds", such county board may issue such bonds in such denominations as the county board may determine of not less than $25 each, payable respectively, in not less than one, nor more than 20 years, with interest payable annually or semi-annually, at the rate of not more than the greater of (i) the maximum rate authorized by the Bond

Authorization Act, as amended at the time of the making of the contract, or (ii) 8% per annum. This Section shall not require submission to the voters of the county of bond issues authorized to be issued without such submission to the voters under Section 5-1027 or 5-1062 or under Division 5-33, 6-6, 6-8 or 6-27 of this Code.

With respect to instruments for the payment of money issued under this Section or its predecessor either before, on, or after the effective date of Public Act 86-4, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section or its predecessor are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section or its predecessor within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 90-655, eff. 7-30-98.)

(55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

Sec. 5-1024. Taxes. A county board may cause to be levied and collected annually, except as hereinafter provided, taxes for county purposes, including all purposes for which money may be raised by the county by taxation, in counties having 80,000 or more but less than 3,000,000 inhabitants at a rate not exceeding .25%, of the value as equalized or assessed by the Department of Revenue; in counties with less than 80,000 but more than 15,000 inhabitants at a rate not exceeding .27%, of the value as equalized or assessed by the Department of Revenue; in counties with less than 80,000 inhabitants which have authorized a tax by referendum under Section 7-2 of the Juvenile Court Act prior to the effective date of this amendatory Act of 1985, at a rate not exceeding .32%, of the value as equalized or assessed by the Department of Revenue; and in counties with 15,000 or fewer inhabitants at a rate not exceeding .37%, of the value as equalized or assessed by the Department of Revenue; and in counties having 3,000,000 or more inhabitants for each even numbered year, subject to the abatement requirements hereinafter provided, at a rate not exceeding .39% of the value, as equalized or assessed by the Department of Revenue, and for each odd numbered year, subject to the abatement requirements hereinafter provided, at a rate not exceeding .35% of the value as equalized or assessed by the Department of Revenue, except taxes for the payment of interest on and principal of bonded indebtedness heretofore duly authorized for the construction of State aid roads in the county as defined in "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, or for the construction of county highways as defined in the Illinois Highway Code, and except taxes for the payment of interest on and principal of bonded indebtedness duly authorized without a vote of the people of the county, and except taxes authorized as additional by a vote of the people of the county, and except taxes for working cash fund purposes, and except taxes as authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of the Illinois Highway Code, and except taxes authorized under Section 7 of the Village Library Act, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act, and except taxes levied under Division 6-3, and except taxes levied for general assistance for needy persons in counties under commission form of government and except taxes levied under the County Care for Persons with Developmental Disabilities Act, and except taxes levied under the Community Mental Health Act, and except taxes levied under Section 5-1025 to pay the expenses of elections and except taxes levied under "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, and except taxes levied under Section 3a of the Revenue Act of 1939 for the purposes of helping to pay for the expenses of the assessor's office, and except taxes levied under Division 5-21, and except taxes levied pursuant to Section 19 of "The Illinois Emergency Services and Disaster Agency Act of 1975", as now or hereafter amended, and except taxes levied pursuant to Division 5-23, and except taxes levied under Section 5 of the County Shelter Care and Detention Home Act, and except taxes levied under the Children's Advocacy Center Act, and except taxes levied under Section 9-107 of the Local Governmental and Governmental Employees Tort Immunity Act, and except taxes levied under Section 2 of the Water Commission Act of 1985 by a successor county as provided under Division 5-43 of the Counties Code.

Those taxes a county has levied and excepted from the rate limitation imposed by this Section or Section 25.05 of "An Act to revise the law in relation to counties", approved March 31, 1874, in reliance on this amendatory Act of 1994 are not invalid because of any provision of this Section that may be

construed to or may have been construed to restrict or limit those taxes levied and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

Nothing contained in this amendatory Act of 1994 shall be construed to affect the application of the Property Tax Extension Limitation Law.

Any tax levied for general assistance for needy persons in any county in addition to and in excess of the maximum levy permitted by this Section for general county purposes shall be paid into a special fund in the county treasury and used only for the purposes for which it is levied except that any excess in such fund over the amount needed for general assistance may be used for County Nursing Home purposes and shall not exceed .10% of the value, as equalized or assessed by the Department of Revenue. Any taxes levied for general assistance pursuant to this Section may also be used for the payment of warrants issued against and in anticipation of such taxes and accrued interest thereon and may also be used for the payment of costs of administering such general assistance.

In counties having 3,000,000 or more inhabitants, taxes levied for any year for any purpose or purposes, except amounts levied for the payment of bonded indebtedness or interest thereon and for pension fund purpose, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act, are subject to the limitation that they shall not exceed the estimated amount of taxes to be levied for the year for the purpose or purposes as determined in accordance with Section 6-24001 and set forth in the annual appropriation bill of the county and in ascertaining the rate per cent that will produce the amount of any tax levied in any county, the county clerk shall not add to the tax or rate any sum or amount to cover the loss and cost of collecting the tax, except in the case of amounts levied for the payment of bonded indebtedness or interest thereon, and in the case of amounts levied for pension fund purposes, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act.

In counties having a population of 3,000,000 or more inhabitants, the county clerk shall in each even numbered year, before extending the county tax for the year, reduce the levy for county purposes for the year (exclusive of levies for payment of indebtedness and payment of interest on and principal of bonded indebtedness as aforesaid, and exclusive of county highway taxes as aforesaid, and exclusive of pension fund taxes, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act) in the manner described and in an amount to be determined as follows: If the amount received from the collection of the tax levied in the last preceding even numbered year for county purposes as aforesaid, as shown by the county treasurer's final settlement for the last preceding even numbered year and also by subsequent receipts of delinquent taxes for the county purposes fund levied for the last preceding even numbered year, equals or exceeds the amount produced by multiplying the rate extended for the county purposes for the last preceding even numbered year by the total assessed valuation of all property in the county used in the year for purposes of state and county taxes, and by deducting therefrom the amount appropriated to cover the loss and cost of collecting taxes to be levied for the county purposes fund for the last preceding even numbered year, the clerk in determining the rate per cent to be extended for the county purposes fund shall deduct from the amount of the levy certified to him for county purposes as aforesaid for even numbered years the amount received by the county clerk or withheld by the county treasurer from other municipal corporations within the county as their pro rata share of election expenses for the last preceding even numbered year, as authorized in Sections 13-11, 13-12, 13-13 and 16-2 of the Election Code, and the clerk in these counties shall extend only the net amount remaining after such deductions.

The foregoing limitations upon tax rates, insofar as they are applicable to counties having less than 3,000,000 inhabitants, may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois and there shall be no limit on the rate of tax for county purposes that may be levied by a county so long as any increase in the rate is authorized by referendum in that county.

Any county having a population of less than 3,000,000 inhabitants that has determined to change its fiscal year may, as a means of effectuating a change, instead of levying taxes for a one-year period, levy taxes for a period greater or less than a year as may be necessary.

In counties having less than 3,000,000 inhabitants, in ascertaining the rate per cent that will produce the amount of any tax levied in that county, the County Clerk shall not add to the tax or rate any sum or amount to cover the loss and cost of collecting the tax except in the case of amounts levied for the payment of bonded indebtedness or interest thereon and in the case of amounts levied for pension fund purposes and except taxes levied to pay the annual rent payments due under a lease entered into by the

county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act.

A county shall not have its maximum tax rate reduced as a result of a population increase indicated by the 1980 federal census.

(Source: P.A. 91-51, eff. 6-30-99.)

(55 ILCS 5/5-15003) (from Ch. 34, par. 5-15003)

Sec. 5-15003. Department of public works. The county board may establish a department of public works with authority to exercise complete supervision in such county over any of the projects authorized by this Division in either of the methods designated hereafter.

A. The county board may employ a superintendent of public works and such other employees for the administration of the department as may be necessary. The superintendent shall be a registered professional engineer and shall have complete authority to supervise and manage the department; or

B. Each county public works department shall be managed by a board of public works, consisting of 5 members appointed by the President and Chairman of the county board, with the approval of the county board, for a 3 year term, except that of the first appointees, 2 shall serve for one year, 2 for 2 years, and one for 3 years. The term of office of original appointees shall be regarded as beginning on July 1, following their appointment, and the term of all members shall continue until their successors are appointed. At least 2 members must be elected officials of municipalities within the county whose terms of office within the municipalities will not expire prior to the termination of appointment hereunder, one member must be a member of the county board whose term of office will not expire prior to the termination of appointment hereunder, one member must be a trustee of a Sanitary District within the county whose term of office will not expire prior to the termination of appointment hereunder, and one member must be chosen to represent the Conservation and Public Health interests. The members of the board shall receive compensation as provided by the county board. The board of public works may employ a superintendent of public works and any other employees for the administration of the department as may be necessary. The superintendent must be a registered professional engineer. Any county may advance general funds for necessary studies or engineering for a project to be financed by revenue bonds and be reimbursed by the proceeds of such bonds. Any county may purchase such bonds with funds derived solely from the County Retailers Occupation Tax.

A county to which governance and legislative authority over a water commission has been transferred and consolidated under Division 5-43 shall, by ordinance, establish a Water Distribution Committee. The Water Distribution Committee shall consist of equal numbers of county board members and municipal representatives from each county board district and any other members as may be determined by the county and municipal members.

The county board members shall be appointed as provided by the rules of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in the county board district or other represented area. Persons appointed to the Committee must have knowledge of and experience in management, finance, engineering, or other professional qualifications. All municipal and county board representatives shall be entitled to a vote. No Committee member shall receive a salary or compensation for service other than as provided by rule of the county board. Officers of the Committee shall include a chair to be selected by the chairperson of the county board and a vice-chair to be selected by the municipal representatives. The county clerk and treasurer shall perform their respective functions as for other county committees and departments.

The principal duties of the Water Distribution Committee shall be to provide recommendations related to the exercise of the county's powers vested in the county under Division 5-43 and shall have such direct administrative responsibilities over the water distribution from the county distribution system to the municipal water systems as shall be assigned by the county board. The Water Distribution Committee shall have no duties related to a county's public works water system, which shall continue to be administered in accordance with paragraphs A. or B. of this Section.

The Water Distribution Committee shall provide for the proper and safe keeping of its permanent records and for the recording of the corporate action of the Committee. The Committee shall post on the county's official Internet website the following records and information: (i) minutes of meetings, (ii) contracts, (iii) purchase orders, (iv) advertisements for bids, (v) and any vendor doing business with the Committee.

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

(55 ILCS 5/Div. 5-43 heading new)

Division 5-43. Water Distribution Powers

(55 ILCS 5/5-43000 new)

Sec. 5-43000. Purpose and findings. It is the purpose of this Division 5-43 to merge and consolidate county water commissions created under the provisions of Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985 and to transfer governance of those water commissions to the county board of the primary county encompassing the municipality and units of local government served by the county water commission.

The General Assembly finds that numerous economic challenges, unprecedented in scope and scale, confront the State. The General Assembly also finds that the State has a compelling interest in reducing the economic and administrative inefficiencies resulting from multiple units of local government conducting related public services. In response to the realities of the current economic times, in an effort to increase administrative efficiency, and in an effort to reduce the multiplicity of units of local government conducting related public services, this Division 5-43 is intended to (i) preserve the separate and distinct public service of a county water commission to assure the sufficient and economic provision of a water distribution service within those county-wide areas in need, (ii) assign, merge, and consolidate governance and legislative authority assigned to water commission boards to the county of primary location, and (iii) maintain the independent power of municipalities to provide for the retail distribution of water to their residents and customers of their municipal waterworks systems.

The changes made by this amendatory Act of the 96th General Assembly are intended to save costs by eliminating an unnecessary additional level of government, make the governance of the water distribution systems more responsive to the electors and water users, serve more equitably the municipalities receiving water, ensure the financial viability of the water distribution systems, spread the costs of the water distribution systems more equitably among the users, ensure proper financial and operational oversight, and ensure that government services are delivered in a transparent and responsible manner.

It is not the intent of this amendatory Act of the 96th General Assembly to change or permit the changing of any financial covenants or obligations of a water commission previously established under Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985.

(55 ILCS 5/5-43005 new)

Sec. 5-43005. Consolidation and reassignment of authority. Each county that is the primary county served by a water commission previously formed under Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985 is vested with all powers vested in such water commissions whose authority is abrogated under the provisions of this amendatory Act of the 96th General Assembly. On and after December 1, 2010, all powers vested in such water commissioners or water commissions with regard to the operation and maintenance of a county water distribution system shall be exercised by the county of primary service.

(55 ILCS 5/5-43010 new)

Sec. 5-43010. Binding actions. All acts lawfully done by or in favor of any county water commission or water commission corporate authority superseded by a successor county government pursuant to the terms of this Division 5-43 shall be valid and binding upon the respective parties affected by such acts, except that the successor county shall be substituted in lieu of the county water commission or water commission corporate authority. This provision shall apply among other things to contracts, grants, licenses, warrants, orders, notices, assignments, and official bonds, but shall not affect any existing or contingent rights of a county water commission or water commission corporate authority to modify, revoke, or rescind a contract, grant, license, warrant, order, notice, assignment, or official bond. Any arrangement or agreement with any other institution, agency, or association, public or private, existing at the time this amendatory Act of the 96th General Assembly takes effect shall not be impaired or affected, but shall be continued in force by the provisions of this Division 5-43.

(55 ILCS 5/5-43015 new)

Sec. 5-43015. Ordinances, orders, and resolutions.

(a) On December 1, 2010, the ordinances, orders, and resolutions of a predecessor consolidated water commission under this amendatory Act of the 96th General Assembly that were in effect on November 30, 2010, and that pertain to the assets, property, rights, powers, monetary indebtedness, and functions transferred to the county served by the predecessor consolidated water commission, shall become, with respect to that territory, the ordinances, orders, and resolutions of the county and shall continue in effect until amended or repealed or expiration under this stated term, whichever occurs first.

(b) Any ordinances, orders, or resolutions pertaining to the assets, property, rights, powers, monetary indebtedness, and functions transferred to the county under this amendatory Act of the 96th General Assembly that have been proposed by a predecessor consolidated water commission, but have not taken effect or been finally adopted by November 30, 2010 shall become, with respect to that territory, the

proposed ordinances, orders, and resolutions of the successor county, and any procedures that have already been completed by the predecessor consolidated water commission for those proposed ordinances, orders, or resolutions need not be repeated.

(55 ILCS 5/5-43020 new)

Sec. 5-43020. Savings provisions.

(a) The assets, property, rights, powers, monetary indebtedness, and functions reassigned and consolidated for governance to a successor county by this amendatory Act of the 96th General Assembly shall be vested in that county subject to the provisions of this amendatory Act of the 96th General Assembly. An act done by a predecessor consolidated water commission with respect to the transferred assets, property, rights, powers, monetary indebtedness, or functions shall have the same legal effect as if done by the county. The county is not liable for any act done by an officer, employee, or agent of the predecessor consolidated water commission on or before December 1, 2010, if the act was an individual or unofficial act or an act outside of the scope of duties.

(b) The transfer of assets, property, rights, powers, monetary indebtedness, and functions under this amendatory Act of the 96th General Assembly does not invalidate any previous action taken by or in respect to a predecessor consolidated water commission or its officers, employees, or agents. Reference to a predecessor consolidated water commission or to its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the county served by the predecessor consolidated water commission.

(c) The transfer under this amendatory Act of the 96th General Assembly of assets, property, rights, powers, monetary indebtedness, and functions of a predecessor consolidated water commission, does not affect any person's rights, obligations, or duties, including any applicable civil or criminal penalties arising out of those transferred assets, property, rights, powers, monetary indebtedness, and functions.

(d) With respect to matters pertaining to an asset, property, right, power, monetary indebtedness, or function transferred to a county under this amendatory Act of the 96th General Assembly:

(1) Beginning December 1, 2010, a report or notice that was previously required to be made or given by any person to a predecessor consolidated water commission or to any of its officers, employees, or agents must be made or given in the same manner to the county.

(2) Beginning December 1, 2010, a document that was previously required to be furnished or served by any person to or upon a predecessor consolidated water commission or to or upon any of its officers, employees, or agents must be furnished or served in the same manner to or upon the county.

(e) This amendatory Act of the 96th General Assembly does not affect any act done, ratified, or cancelled, or any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal case before December 1, 2010. Any such action or proceeding that pertains to an asset, property, right, power, monetary indebtedness, or function transferred to a county under this amendatory Act of the 96th General Assembly, and that is pending on November 30, 2010, may be prosecuted, defended, or continued by the county.

(55 ILCS 5/5-43025 new)

Sec. 5-43025. Title to property and revenue maintained by the county. Effective December 1, 2010, the title to all lands, property, and funds of every description owned or held by a county water commission superseded by a successor county shall be vested in the successor county. Funds held by a superseded county water commission or water commission corporate authority for a particular purpose shall be set aside and used by the successor county only for the purpose originally designated.

Any surplus of such funds remaining after accomplishing such purpose shall become a part of the water distribution enterprise fund maintained by the successor county as set forth in Section 5-43040.

Any property or funds held by any county water commission or water commission corporate authority superseded by the successor county upon any special expressed trust shall be held by the successor county under that trust.

The proceeds of taxes and special assessments, lawfully levied before this amendatory Act of the 96th General Assembly takes effect, shall continue to be collected after the effective date of this amendatory Act of the 96th General Assembly in the name of the successor county, and shall be applied to the purposes for which they were lawfully levied or imposed.

Any surplus of such proceeds available after application to and completion of such purposes shall become a part of the water distribution enterprise fund maintained by the successor county as set forth in Section 5-43040.

(55 ILCS 5/5-43030 new)

Sec. 5-43030. Water distribution and supply powers. On and after December 1, 2010, all governance powers previously delegated to a county water commission formed under Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985 are assigned to, transferred to, modified for, and

consolidated in the county board of the primary county served by the water commission. As a result, the county shall have all powers, functions, and taxing authority assigned to a water commission formed under Division 135 of the Illinois Municipal Code, as well as all other powers, functions, and taxing authority assigned to a water commission formed under the Water Commission Act of 1985, and counties to which such water commission powers and authorities have been reassigned may rely on Division 135 of the Illinois Municipal Code and the Water Commission Act of 1985, as a delegation of additional State authority to act.

A county served by a water commission where governance and legislative authority have been consolidated and transferred to the county under this amendatory Act of the 96th General Assembly, shall assume the assets, property, powers, rights, and monetary indebtedness of the predecessor consolidated water commission, including, but not limited to:

(1) Authority to maintain and continue to collect any property tax levy or sales tax lawfully approved by the predecessor consolidated water commission prior to the effective date of this amendatory Act of the 96th General Assembly.

(2) Authority to impose and receive those property taxes and occupation and use taxes authorized in Sections 2, 4, and 5 of the Water Commission Act of 1985.

(3) Authority to assume the succeeding interest in the Great Lakes water allocation assigned by the Illinois Department of Natural Resources to the predecessor consolidated water commission.

(4) Authority to exercise those powers delegated to water commissions under Division 135 of the Illinois Municipal Code or the Water Commission Act of 1985, within the territory authorized by those Acts, notwithstanding that some of the territory may lie outside of the county.

(55 ILCS 5/5-43035 new)

Sec. 5-43035. Annual audit. The county auditor shall annually audit all county accounts related to the exercise of the water distribution powers vested in a successor county by this amendatory Act of the 96th General Assembly and shall post the annual audit on the county's official Internet website. The annual audit shall address the county water distribution system and any waterworks systems operated by county public works as separate enterprises. The annual audit required under this Section must provide a transparent record of revenue received, expenses incurred, taxes levied, debt incurred, and capital reserves maintained in a manner that recognizes the separate and distinct function of the water distribution system and public works waterworks systems.

(55 ILCS 5/5-43040 new)

Sec. 5-43040. Water distribution enterprise fund. On December 1, 2010, a successor county vested with the powers of a county water commission under this amendatory Act of the 96th General Assembly shall establish a water distribution enterprise fund. All moneys transferred from a water commission to a successor county shall, for accounting purposes, be stated separately within the water distribution enterprise fund. The water distribution enterprise fund may include sub-funds for bond repayment and any other purposes as deemed useful for management purposes. All revenues received from property tax levies, occupation and use taxes imposed by the predecessor consolidated water commission, and rates and fees charged to the municipal customers of the county water distribution system shall be stated separately within the water distribution enterprise fund. Any surplus remaining after full payment of indebtedness, capital reserves, and expenses of the water distribution system shall not be transferred to the common fund as provided in Section 5-1011, but shall remain in the water distribution enterprise fund.

Any county water fund existing on November 30, 2010, that was intended to state or hold revenues received from, or dedicated to, future expenses of a county public works waterworks system providing retail service to areas of that county shall be maintained after December 1, 2010 as a fund separate and distinct from the water distribution enterprise fund. The revenues, expenses, and capital reserves of the county water distribution system shall be accounted for separately from the revenues, expenses, and capital reserves of any public works retail waterworks system.

(55 ILCS 5/5-43045 new)

Sec. 5-43045. Water rate authority. A county that becomes a successor in governance to a predecessor consolidated water commission under this amendatory Act of the 96th General Assembly, that also has a county public works department operating waterworks systems providing retail water distribution service to residents or businesses, or both, must operate a water distribution system to convey and provide water to multiple municipalities, units of local government, and private utility companies (known as "water distribution service"), and also a public works waterworks system that provides retail water service direct to end use customers (known as "retail water service"). The water rates charged for water distribution service shall be established as follows:

(1) The county shall charge its water distribution customers a rate that is equal to or reasonably

exceeds its bulk water purchase rate to pay for the reasonable costs of operation, debt servicing obligations, capitol reserves, or its water distribution supply system.

(2) The rate charged by the county for water distribution service shall increase in an amount equal to any increase charged to the county for the purchase of bulk water to be distributed, and such increase charged shall automatically become effective without county action no later than one month after the purchase rate increase takes effect.

(3) Under no circumstance may the county charge a rate less than the rate of the bulk water purchased by the county for the water distribution service.

(4) If the water distribution rate in effect on December 1, 2010 is less than the bulk purchase rate, then the rate shall be immediately adjusted as set forth in this Section.

Water rates for retail water service direct to end use customers of any county public works retail water service system operated by the county shall be established in accordance with applicable State law by the county board.

(55 ILCS 5/5-43050 new)

Sec. 5-43050. Preparation and transition costs. All reasonable costs incurred by a county in preparation for the succession of authority and consolidation of power from a county water commission under this amendatory Act of the 96th General Assembly and in transition to the exercise of the powers and duties provided in this Division 5-43 shall be paid by or reimbursed from the assets and revenue of the predecessor consolidated water commission and shall be deemed proper costs attributable to water distribution supply systems.

(55 ILCS 5/5-43055 new)

Sec. 5-43055. Water service for unincorporated areas. A successor county may require as a condition of a new or existing water supply contract that a municipality provide water to unincorporated areas of the county that adjoin that municipality.

(55 ILCS 5/5-43060 new)

Sec. 5-43060. Cross references. Beginning on December 1, 2010, all references in other statutes including Division 135 of the Municipal Code and the Water Commission Act of 1985, however phrased, to a water commission consolidated under this amendatory Act of the 96th General Assembly, shall be references to the county in its capacity as successor to the predecessor consolidated water commission.

(55 ILCS 5/5-43065 new)

Sec. 5-43065. Home rule. A home rule unit may not regulate its water systems in a manner that is inconsistent with the provisions of this amendatory Act of the 96th General Assembly. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 10. The Illinois Municipal Code is amended by adding Sections 11-135-15 and 11-135-20

(65 ILCS 5/11-135-15 new)

Sec. 11-135-15. Purpose. It is the purpose of this amendatory Act of the 96th General Assembly to abrogate the powers of water commissions created by this Act and to consolidate and reassign those powers to the respective primary counties that are served by those water commissions. The purposes and goals of this amendatory Act of the 96th General Assembly are further reflected and incorporated in Division 5-43 of the Counties Code.

(65 ILCS 5/11-135-20 new)

Sec. 11-135-20. Consolidation and abrogation of power. Notwithstanding any provision of law to the contrary, the powers previously assigned to water commissions under this Act and the Water Commission Act of 1985 are abrogated, reassigned, and consolidated to the primary county serviced by such water commission on December 10, 2010. The terms of abrogation, reassignment, and consolidation are as set forth in Division 5-43 of the Counties Code.

Section 15. The Water Commission Act of 1985 is amended by adding Sections 0.001 and 0.001a as follows:

(70 ILCS 3720/0.001 new)

Sec. 0.001. Purpose. It is the purpose of this amendatory Act of the 96th General Assembly to abrogate the powers of water commissions created by this Act and to consolidate and reassign those powers to the respective primary counties that are served by those water commissions. The purposes and goals of this amendatory Act of the 96th General Assembly are further reflected and incorporated in Division 5-43 of the Counties Code.

(70 ILCS 3720/0.001a new)

Sec. 0.001a. Consolidation and abrogation of power. Notwithstanding any provision of law to the contrary, the powers previously assigned to water commissions under this Act and Division 135 of the Illinois Municipal Code are abrogated, reassigned, and consolidated to the primary county serviced by such water commission on December 10, 2010. The terms of abrogation, reassignment, and consolidation are as set forth in Division 5-43 of the Counties Code.

Section 20. The State Mandates Act is amended by adding Section 8.34 as follows:
(30 ILCS 805/8.34 new)
Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

Section 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.
Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 580

AMENDMENT NO. 4. Amend Senate Bill 580, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 28, by replacing line 9 with the following:
"changing Section 4 and by adding Sections 0.001 and 0.001a as follows"; and

on page 29, immediately below line 4, by inserting the following:
"(70 ILCS 3720/4) (from Ch. 111 2/3, par. 254)
Sec. 4. Taxes.
(a) The board of commissioners of any county water commission may, by ordinance, impose throughout the territory of the commission any or all of the taxes provided in this Section for its corporate purposes. On and after the effective date of this amendatory Act of the 96th General Assembly, all taxes imposed pursuant to this Section shall be used exclusively for capital infrastructure and related costs. However, no county water commission may impose any such tax unless the commission certifies the proposition of imposing the tax to the proper election officials, who shall submit the proposition to the voters residing in the territory at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.
The proposition shall be in the form provided in Section 5 or shall be substantially in the following form:

Shall the (insert corporate name of county water commission) impose (state type of tax or taxes to be imposed) at the rate of 1/4%?

YES

NO

Taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes.
(b) The board of commissioners may impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the commission at a rate of 1/4% of the gross receipts from the sales made in the course of such business within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers

and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicine, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act and under subsection (e) of Section 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

For the purpose of determining whether a tax authorized under this paragraph is applicable, a retail sale by a producer of coal or other mineral mined in Illinois is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

If a tax is imposed under this subsection (b) a tax shall also be imposed under subsections (c) and (d) of this Section.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(c) If a tax has been imposed under subsection (b), a County Water Commission Service Occupation Tax shall also be imposed upon all persons engaged, in the territory of the commission, in the business of making sales of service, who, as an incident to making the sales of service, transfer tangible personal property within the territory. The tax rate shall be 1/4% of the selling price of tangible personal property so transferred within the territory. The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2 (except that the reference to State in the definition of supplier maintaining a place of business in this State shall mean the territory of the commission), 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4 (except that the reference to the State shall be to the territory of the commission), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the commission), 9 (except as to the disposition of taxes and penalties collected and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the territory of the commission), the first paragraph of Section 15, 15.5, 16, 17, 18, 19 and 20 of the Service Occupation

Tax Act as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, and any tax for which servicemen may be liable under subsection (f) of Sec. 4.03 of the Regional Transportation Authority Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

Nothing in this paragraph shall be construed to authorize a county water commission to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

(d) If a tax has been imposed under subsection (b), a tax shall also imposed upon the privilege of using, in the territory of the commission, any item of tangible personal property that is purchased outside the territory at retail from a retailer, and that is titled or registered with an agency of this State's government, at a rate of 1/4% of the selling price of the tangible personal property within the territory, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. The tax shall be collected by the Department of Revenue for a county water commission. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers, and except that food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, shall not be subject to tax hereunder), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act and Section 3-7 of the Uniform Penalty and Interest Act that are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of a county water commission tax fund established under paragraph (g) of this Section.

(e) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (c) or (d) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(f) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county water commission as of September 1 next following the adoption and filing. Beginning January 1, 1992, an ordinance or

resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following such adoption and filing.

(g) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the commission. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois the amount to be paid to the commission, which shall be the then balance in the fund, less any amount determined by the Department to be necessary for the payment of refunds. Within 10 days after receipt by the Comptroller of the certification of the amount to be paid to the commission, the Comptroller shall cause an order to be drawn for the payment for the amount in accordance with the direction in the certification.

(h) If, on or after January 1, 2014, the proceeds from a tax imposed pursuant to this Section are not fully used for capital infrastructure and related costs, then the county may no longer impose or collect that tax.

(Source: P.A. 92-221, eff. 8-2-01; 93-1068, eff. 1-15-05.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 5 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendments numbered 3 and 4 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 Cronin, **Senate Bill No. 580**, 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 39; NAYS 5; Present 7.

The following voted in the affirmative:

Althoff	Demuzio	Lauzen	Risinger
Bivins	Duffy	Lightford	Sandoval
Bomke	Frerichs	Maloney	Schoenberg
Bond	Garrett	Martinez	Silverstein
Clayborne	Haine	McCarter	Steans
Collins	Harmon	Millner	Sullivan
Cronin	Hendon	Muñoz	Trotter
Crotty	Hunter	Murphy	Wilhelmi
Dahl	Koehler	Noland	Mr. President
Delgado	Kotowski	Raoul	

The following voted in the negative:

Burzynski	Pankau	Syverson
Jones, J.	Righter	

The following voted present:

Dillard	Hultgren	Link	Radogno
Holmes	Jones, E.	Luechtefeld	

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.

Senator Hutchinson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 580**.

At the hour of 10:45 o'clock a.m., Senator Harmon, presiding.

SENATE BILL RECALLED

On motion of Senator Collins, **Senate Bill No. 678** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Public Health Subcommittee on Nursing Home Care.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 678

AMENDMENT NO. 2. Amend Senate Bill 678 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by adding Section 3-808 as follows:

(210 ILCS 45/3-808 new)

Sec. 3-808. Nursing home fraud, abuse, and neglect prevention and reporting.

(a) Every licensed long term care facility that receives Medicaid funding shall prominently display in its lobby, in its dining areas, and on each floor of the facility information approved by the Illinois Medicaid Fraud Control Unit on how to report fraud, abuse, and neglect. In addition, information regarding the reporting of fraud, abuse, and neglect shall be provided to each resident at the time of admission and to the resident's family members or emergency contacts, or to both the resident's family members and his or her emergency contacts.

(b) Any owner or licensee of a long term care facility licensed under the this Act shall be responsible for the collection and maintenance of any and all records required to be maintained under this Section and any other applicable provisions of this Act, and as a provider under the Illinois Public Aid Code, and shall be responsible for compliance with all of the disclosure requirements under this Section. All books and records and other papers and documents that are required to be kept, and all records showing compliance with all of the disclosure requirements to be made pursuant to this Section, shall be kept at the facility and shall, at all times during business hours, be subject to inspection by any law enforcement or health oversight agency or its duly authorized agents or employees.

(c) Any report of abuse and neglect of residents made by any individual in whatever manner, including, but not limited to, reports made under Sections 2-107 and 3-610 of this Act, or as provided under the Abused and Neglected Long Term Care Facility Residents Reporting Act, that is made to an administrator, a director of nursing, or any other person with management responsibility at a long term care facility must be disclosed to the owners and licensee of the facility within 24 hours of the report. The owners and licensee of a long term care facility shall maintain all records necessary to show compliance with this disclosure requirement.

(d) Any person with an ownership interest in a long term care facility licensed by the Department must, within 30 days of the effective date of this amendatory Act of the 96th General Assembly, disclose the existence of any ownership interest in any vendor who does business with the facility. The disclosures required by this subsection shall be made in the form and manner prescribed by the Department. Licensed long term care facilities who receive Medicaid funding shall submit a copy of the disclosures required by this subsection to the Illinois Medicaid Fraud Control Unit. The owners and licensee of a long term care facility shall maintain all records necessary to show compliance with this disclosure requirement.

(e) Notwithstanding the provisions of Section 3-318 of this Act, and in addition thereto, any person, owner, or licensee who knowingly fails to keep and maintain, or knowingly fails to produce for inspection, books and records, or knowingly fails to make the disclosures required by this Section, is

guilty of a Class A misdemeanor. A second or subsequent violation of this Section shall be punishable as a Class 4 felony.

(f) Any owner or licensee who knowingly files or knowingly causes to be filed a document with false information with the Department, the Department of Healthcare and Family Services, or the Illinois Medicaid Fraud Control Unit or any other law enforcement agency, is guilty of a Class A misdemeanor.

Section 10. The Criminal Code of 1961 is amended by changing Section 12-19 as follows:

(720 ILCS 5/12-19) (from Ch. 38, par. 12-19)

(Text of Section before amendment by P.A. 96-339)

Sec. 12-19. Abuse and Criminal Neglect of a Long Term Care Facility Resident.

(a) Any person or any owner or licensee of a long term care facility who abuses a long term care facility resident is guilty of a Class 3 felony. Any person or any owner or licensee of a long term care facility who criminally neglects a long term care facility resident is guilty of a Class 4 felony. A person whose criminal neglect of a long term care facility resident results in the resident's death is guilty of a Class 3 felony. However, nothing herein shall be deemed to apply to a physician licensed to practice medicine in all its branches or a duly licensed nurse providing care within the scope of his or her professional judgment and within the accepted standards of care within the community.

(b) Notwithstanding the penalties in subsections (a) and (c) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused neglect of a resident, the licensee or owner is guilty of a petty offense. An owner or licensee is guilty under this subsection (b) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(c) Notwithstanding the penalties in subsections (a) and (b) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused gross neglect of a resident, the licensee or owner is guilty of a business offense for which a fine of not more than $10,000 may be imposed. An owner or licensee is guilty under this subsection (c) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(d) For the purpose of this Section:

(1) "Abuse" means intentionally or knowingly causing any physical or mental injury or committing any sexual offense set forth in this Code.

(2) "Criminal neglect" means an act whereby a person recklessly (i) performs acts that cause an elderly person's or person with a disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate or creates the substantial likelihood of injury or deterioration, or (ii) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of an elderly person or person with a disability, and that failure causes the elderly person's or person with a disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate or creates the substantial likelihood of injury or deterioration, or (iii) abandons an elderly person or person with a disability.

(3) "Neglect" means negligently failing to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury or the deterioration of a physical or mental condition.

(4) "Resident" means a person residing in a long term care facility.

(5) "Owner" means the person who owns a long term care facility as provided under the Nursing Home Care Act or an assisted living or shared housing establishment under the Assisted Living and Shared Housing Act.

(6) "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act or the Assisted Living and Shared Housing Act.

(7) "Facility" or "long term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Title XVIII and Title XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act.

(e) Nothing contained in this Section shall be deemed to apply to the medical supervision, regulation or control of the remedial care or treatment of residents in a facility conducted for those who rely upon

treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination and which is licensed in accordance with Section 3-803 of the Nursing Home Care Act.
(Source: P.A. 93-301, eff. 1-1-04.)

(Text of Section after amendment by P.A. 96-339)

Sec. 12-19. Abuse and Criminal Neglect of a Long Term Care Facility Resident.

(a) Any person or any owner or licensee of a long term care facility who abuses a long term care facility resident is guilty of a Class 3 felony. Any person or any owner or licensee of a long term care facility who criminally neglects a long term care facility resident is guilty of a Class 4 felony. A person whose criminal neglect of a long term care facility resident results in the resident's death is guilty of a Class 3 felony. However, nothing herein shall be deemed to apply to a physician licensed to practice medicine in all its branches or a duly licensed nurse providing care within the scope of his or her professional judgment and within the accepted standards of care within the community.

(b) Notwithstanding the penalties in subsections (a) and (c) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused neglect of a resident, the licensee or owner is guilty of a petty offense. An owner or licensee is guilty under this subsection (b) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(c) Notwithstanding the penalties in subsections (a) and (b) and in addition thereto, if a licensee or owner of a long term care facility or his or her employee has caused gross neglect of a resident, the licensee or owner is guilty of a business offense for which a fine of not more than $10,000 may be imposed. An owner or licensee is guilty under this subsection (c) only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising or providing of staff or other related routine administrative responsibilities.

(d) For the purpose of this Section:

(1) "Abuse" means intentionally or knowingly causing any physical or mental injury or committing any sexual offense set forth in this Code.

(2) "Criminal neglect" means an act whereby a person recklessly (i) performs acts that cause an elderly person's or person with a disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate or creates the substantial likelihood of injury or deterioration, or (ii) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of an elderly person or person with a disability, and that failure causes the elderly person's or person with a disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate or creates the substantial likelihood of injury or deterioration, or (iii) abandons an elderly person or person with a disability.

(3) "Neglect" means negligently failing to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury or the deterioration of a physical or mental condition.

(4) "Resident" means a person residing in a long term care facility.

(5) "Owner" means the person who owns a long term care facility as provided under the Nursing Home Care Act, a facility as provided under the MR/DD Community Care Act, or an assisted living or shared housing establishment under the Assisted Living and Shared Housing Act.

(6) "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the MR/DD Community Care Act, or the Assisted Living and Shared Housing Act.

(7) "Facility" or "long term care facility" means a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Title XVIII and Title XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act.

(e) Nothing contained in this Section shall be deemed to apply to the medical supervision, regulation or control of the remedial care or treatment of residents in a facility conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination and which is licensed in accordance with Section 3-803 of the Nursing

Home Care Act or Section 3-803 of the MR/DD Community Care Act.
(Source: P.A. 96-339, eff. 7-1-10.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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. 3 TO SENATE BILL 678

AMENDMENT NO. 3. Amend Senate Bill 678, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2 as follows:

on page 3, by replacing line 16 with the following:
"who willfully fails to keep and maintain, or willfully fails to"; and

on page 3, line 17, by replacing "knowingly" with "willfully"; and

on page 3, line 21, by replacing "knowingly files or knowingly" with "willfully files or willfully"; and

on page 5, line 20, by replacing "or creates the substantial likelihood of" with "or that create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate"; and

on page 5, line 21, by deleting "injury or deterioration"; and

on page 6, line 1, by replacing "or creates the" with "or that create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate"; and

on page 6, line 2, by deleting "substantial likelihood of injury or deterioration"; and

on page 9, line 5, by replacing "or creates the substantial likelihood of" with "or that create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate"; and

on page 9, line 6, by deleting "injury or deterioration"; and

on page 9, line 12, by replacing "or creates the" with "or that create the substantial likelihood that an elderly person's or person with a disability's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate"; and

on page 9, line 13, by deleting "substantial likelihood of injury or deterioration".

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. 678**, 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 50; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Righter
Bomke	Frerichs	Lauzen	Risinger
Bond	Garrett	Lightford	Sandoval
Brady	Haine	Link	Schoenberg
Burzynski	Harmon	Luechtefeld	Silverstein
Clayborne	Hendon	Maloney	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Millner	Syverson
Crotty	Hunter	Muñoz	Trotter
Dahl	Hutchinson	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Radogno	
Dillard	Koehler	Raoul	

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 11:10 o'clock a.m., Senator Hendon, presiding.

SENATE BILL RECALLED

On motion of Senator Delgado, **Senate Bill No. 731** 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 Public Health.

Senator Delgado offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 731

AMENDMENT NO. 2. Amend Senate Bill 731 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.756 as follows:

(30 ILCS 105/5.756 new)

Sec. 5.756. The Hospital Licensure Fund.

Section 10. The Hospital Licensing Act is amended by changing Sections 5 and 6 and by adding Section 14.5 as follows:

(210 ILCS 85/5) (from Ch. 111 1/2, par. 146)

Sec. 5. (a) An application for a permit to establish a hospital shall be made to the Department upon forms provided by it. This application shall contain such information as the Department reasonably requires, which shall include affirmative evidence on which the Director may make the findings required under Section 6a of this Act.

(b) An application for a license to open, conduct, operate, and maintain a hospital shall be made to the Department upon forms provided by it, accompanied by a license fee of $30 per bed, provided that a lesser amount may be established by administrative rule of the Department, if the Department, in consultation with the Department of Healthcare and Family Services, determines that $30 per bed would exceed the limitations on health care-related taxes imposed by 42 U.S.C. 1396b(w) that, if violated, would result in reductions to the amount of federal financial participation received by the State for Medicaid expenditures, and shall contain such information as the Department reasonably requires, which

may include affirmative evidence of ability to comply with the provisions of this Act and the standards, rules, and regulations, promulgated by virtue thereof.

(c) All applications required under this Section shall be signed by the applicant and shall be verified. Applications on behalf of a corporation or association or a governmental unit or agency shall be made and verified by any two officers thereof.

(Source: Laws 1965, p. 2350.)

(210 ILCS 85/6) (from Ch. 111 1/2, par. 147)

Sec. 6. (a) Upon receipt of an application for a permit to establish a hospital the Director shall issue a permit if he finds (1) that the applicant is fit, willing, and able to provide a proper standard of hospital service for the community with particular regard to the qualification, background, and character of the applicant, (2) that the financial resources available to the applicant demonstrate an ability to construct, maintain, and operate a hospital in accordance with the standards, rules, and regulations adopted pursuant to this Act, and (3) that safeguards are provided which assure hospital operation and maintenance consistent with the public interest having particular regard to safe, adequate, and efficient hospital facilities and services.

The Director may request the cooperation of county and multiple-county health departments, municipal boards of health, and other governmental and non-governmental agencies in obtaining information and in conducting investigations relating to such applications.

A permit to establish a hospital shall be valid only for the premises and person named in the application for such permit and shall not be transferable or assignable.

In the event the Director issues a permit to establish a hospital the applicant shall thereafter submit plans and specifications to the Department in accordance with Section 8 of this Act.

(b) Upon receipt of an application for license to open, conduct, operate, and maintain a hospital, the Director shall issue a license if he finds the applicant and the hospital facilities comply with standards, rules, and regulations promulgated under this Act. A license, unless sooner suspended or revoked, shall be renewable annually upon approval by the Department and payment of a license fee as established pursuant to Section 5 of this Act. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. The Department may, either before or after the issuance of a license, request the cooperation of the State Fire Marshal, county and multiple county health departments, or municipal boards of health to make investigations to determine if the applicant or licensee is complying with the minimum standards prescribed by the Department. The report and recommendations of any such agency shall be in writing and shall state with particularity its findings with respect to compliance or noncompliance with such minimum standards, rules, and regulations.

The Director may issue a provisional license to any hospital which does not substantially comply with the provisions of this Act and the standards, rules, and regulations promulgated by virtue thereof provided that he finds that such hospital has undertaken changes and corrections which upon completion will render the hospital in substantial compliance with the provisions of this Act, and the standards, rules, and regulations adopted hereunder, and provided that the health and safety of the patients of the hospital will be protected during the period for which such provisional license is issued. The Director shall advise the licensee of the conditions under which such provisional license is issued, including the manner in which the hospital facilities fail to comply with the provisions of the Act, standards, rules, and regulations, and the time within which the changes and corrections necessary for such hospital facilities to substantially comply with this Act, and the standards, rules, and regulations of the Department relating thereto shall be completed.

(Source: P.A. 80-56.)

(210 ILCS 85/14.5 new)

Sec. 14.5. Hospital Licensure Fund. The Department shall deposit all fees and fines collected in relation to the licensure of hospitals into the Hospital Licensure Fund, a special fund created in the State treasury, for the purpose of providing programs, information, or assistance designed to improve patient safety and quality in hospitals. Notwithstanding any other provision of law, the monies deposited into the Hospital Licensure Fund shall not be subject to transfer to other funds held by the State or used by the Department for any purposes other than those specified under this Section.

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 Delgado, **Senate Bill No. 731**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 33; NAYS 16.

The following voted in the affirmative:

Bomke	Hendon	Link	Steans
Clayborne	Holmes	Maloney	Sullivan
Collins	Hunter	Muñoz	Syverson
Crotty	Hutchinson	Noland	Trotter
Delgado	Jacobs	Raoul	Wilhelmi
Frerichs	Jones, E.	Risinger	Mr. President
Garrett	Koehler	Sandoval	
Haine	Kotowski	Schoenberg	
Harmon	Lightford	Silverstein	

The following voted in the negative:

Althoff	Dillard	Luechtefeld	Righter
Bivins	Duffy	McCarter	
Burzynski	Hultgren	Millner	
Cronin	Jones, J.	Murphy	
Dahl	Lauzen	Pankau	

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 Frerichs, **Senate Bill No. 2505** was recalled from the order of third reading to the order of second reading.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2505

AMENDMENT NO. 1. Amend Senate Bill 2505 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Finance Authority Act is amended by changing Sections 820-10, 820-20, and 820-25 and by adding Section 820-37 as follows:

(20 ILCS 3501/820-10)

Sec. 820-10. Definitions. The following words or terms, whenever used or referred to in this Article, shall have the following meanings ascribed to them, except where the context clearly requires otherwise:

(a) "Department" means the Illinois Department of Commerce and Economic Opportunity.

(b) "Unit of local government" means any unit of local government, as defined in Article VII, Section 1 of the 1970 State Constitution and any local public entity as that term is defined by the Local Governmental and Governmental Employees Tort Immunity Act and also includes the State and any instrumentality, office, officer, department, division, bureau, commission, college or university thereof.

(c) "Energy conservation project" means any improvement, repair, alteration or betterment of any building or facility or any equipment, fixture or furnishing including its energy using mechanical devices to be added to or used in any building or facility that the Director of the Department has certified to the Authority will be a cost-effective energy-related project that will lower energy or utility costs in connection with the operation or maintenance of such building or facility, and will achieve energy cost savings sufficient to cover bond debt service and other project costs within 10 years from the date of project installation.

(d) "Green special service area project" means any energy efficiency improvement, renewable energy improvement, or water use improvement as such terms are defined in Section 27-5 of the Special Service Area Tax Law.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/820-20)

Sec. 820-20. Powers and Duties; Illinois Local Government Financing Assistance Program. The Authority has the power:

(a) To purchase from time to time pursuant to negotiated sale or to otherwise acquire from time to time any local government securities issued by one or more units of local government upon such terms and conditions as the Authority may prescribe;

(b) To issue bonds in one or more series pursuant to one or more resolutions of the Authority for any purpose authorized under this Article, including without limitation purchasing or acquiring local government securities, providing for the payment of any interest deemed necessary on such bonds, paying for the cost of issuance of such bonds, providing for the payment of the cost of any guarantees, letters of credit, insurance contracts or other similar credit support or liquidity instruments, or providing for the funding of any reserves deemed necessary in connection with such bonds and refunding or advance refunding of any such bonds and the interest and any premium thereon, pursuant to this Act;

(c) To provide for the funding of any reserves or other funds or accounts deemed necessary by the Authority in connection with any bonds issued by the Authority or local government securities purchased or otherwise acquired by the Authority;

(d) To pledge any local government security, including any payments thereon, and any other funds of the Authority or funds made available to the Authority which may be applied to such purpose, as security for any bonds or any guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments securing the bonds;

(e) To enter into agreements or contracts with third parties, whether public or private, including without limitation the United States of America, the State, or any department or agency thereof to obtain any appropriations, grants, loans or guarantees which are deemed necessary or desirable by the Authority. Any such guarantee, agreement or contract may contain terms and provisions necessary or desirable in connection with the program, subject to the requirements established by this Article;

(f) To charge reasonable fees to defray the cost of obtaining letters of credit, insurance contracts or other similar documents, and to charge such other reasonable fees to defray the cost of trustees, depositories, paying agents, bond registrars, escrow agents and other administrative expenses. Any such fees shall be payable by units of local government whose local government securities are purchased or otherwise acquired by the Authority pursuant to this Article, in such amounts and at such times as the Authority shall determine, and the amount of the fees need not be uniform among the various units of local government whose local government securities are purchased or otherwise acquired by the Authority pursuant to this Article;

(g) To obtain and maintain guarantees, letters of credit, insurance contracts or similar credit support or liquidity instruments which are deemed necessary or desirable in connection with any bonds or other obligations of the Authority or any local government securities;

(h) To establish application fees and other service fees and prescribe application, notification, contract, agreement, security and insurance forms and rules and regulations it deems necessary or appropriate;

(i) To provide technical assistance, at the request of any unit of local government, with respect to the financing or refinancing for any public purpose. In fulfillment of this purpose, the Authority may request assistance from the Department as necessary; any unit of local government that is experiencing either a financial emergency as defined in the Local Government Financial Planning and Supervision Act or a condition of fiscal crisis evidenced by an impaired ability to obtain financing for its public purpose projects from traditional financial channels or impaired ability to fully fund its obligations to fire, police and municipal employee pension funds, or to bond payments or reserves, may request technical assistance from the Authority in the form of a diagnostic evaluation of its financial condition;

(j) To purchase any obligations of the Authority issued pursuant to this Article;

(k) To sell, transfer or otherwise dispose of local government securities purchased or otherwise acquired by the Authority pursuant to this Article, including without limitation, the sale, transfer or other disposition of undivided fractionalized interests in the right to receive payments of principal and premium, if any, or the right to receive payments of interest or the right to receive payments of principal of and premium, if any, and interest on pools of such local government securities;

(l) To acquire, purchase, lease, sell, transfer and otherwise dispose of real and personal property, or any interest therein, and to issue its bonds and enter into leases, contracts and other agreements with units of local government in connection with such acquisitions, purchases, leases, sales and other dispositions of such real and personal property;

(m) To make loans to banks, savings and loans and other financial institutions for the purpose of purchasing or otherwise acquiring local government securities, and to issue its bonds, and enter into agreements and contracts in connection with such loans;

(n) To enter into agreements or contracts with any person necessary or appropriate to place the payment obligations of the Authority under any of its bonds in whole or in part on any interest rate basis, cash flow basis, or other basis desired by the Authority, including without limitation agreements or contracts commonly known as "interest rate swap agreements", "forward payment conversion agreements", and "futures", or agreements or contracts to exchange cash flows or a series of payments, or agreements or contracts, including without limitation agreements or contracts commonly known as "options", "puts" or "calls", to hedge payment, rate spread, or similar exposure; provided, that any such agreement or contract shall not constitute an obligation for borrowed money, and shall not be taken into account under Section 845-5 of this Act or any other debt limit of the Authority or the State of Illinois;

(o) To make and enter into all other agreements and contracts and execute all instruments necessary or incidental to performance of its duties and the execution of its powers under this Article;

(p) To contract for and finance the costs of energy audits, project-specific engineering and design specifications, and any other related analyses preliminary to an energy conservation project; and, to contract for and finance the cost of project monitoring and data collection to verify post-installation energy consumption and energy-related operating costs. Any such contract shall be executed only after it has been jointly negotiated by the Authority and the Department; ~~and~~

(p-5) To purchase special service area bonds and to accept assignments or pledges, or both, of special service area bonds or agreements relating to public and private green special service area projects, which authority shall be liberally construed; and

(q) To exercise such other powers as are necessary or incidental to the foregoing.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/820-25)

Sec. 820-25. Unit of Local Government Participation. Any unit of local government is authorized to voluntarily participate in this program. Any unit of local government which is authorized to issue, sell and deliver its local government securities under any provision of the Constitution or laws of the State may issue, sell and deliver such local government securities to the Authority under this Article; provided that and notwithstanding any other provision of law to the contrary, any such unit of local government may issue and sell any such local government security at any interest rate or rates, which rate or rates may be established by an index or formula which may be implemented by persons appointed or retained therefor, payable at such time or times, and at such price or prices to which the unit of local government and the Authority may agree. Any unit of local government may pay any amount charged by the Authority pursuant to this Article. Any unit of local government participating in this program may pay out of the proceeds of its local government securities or out of any other moneys or funds available to it for such purposes any costs, fees, interest deemed necessary, premium or reserves incurred or required for financing or refinancing this program, including without limitation any fees charged by the Authority pursuant to this Article and its share, as determined by the Authority, of any costs, fees, interest deemed necessary, premium or reserves incurred or required pursuant to Section 820-20 of this Act. All local government securities purchased or otherwise acquired by the Authority pursuant to this Act shall upon delivery to the Authority be accompanied by an approving opinion of bond counsel as to the validity of such securities. The Authority shall have discretion to purchase or otherwise acquire those local government securities, as it shall deem to be in the best interest of its financing program for all units of local government taken as a whole. Any unit of local government with the authority in connection with green special service area projects to provide special service area financing under the Special Service Area Tax Law is authorized to issue special service area bonds and sell or assign the bonds to the Authority or to assign or pledge special service area bonds or agreements, or both, to the Authority.

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3501/820-37 new)

Sec. 820-37. Unit of local government participation; bonds. The Authority may assist units of local government by establishing and implementing a program to issue its bonds secured by special service area agreements assigned or pledged to the Authority by the local governments so as to provide financing for green special service area projects. The bonds shall not constitute an indebtedness or obligation of the State and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness or obligation but is payable solely from the revenues, income, or other assets of the Authority that are pledged.

Section 10. The Property Tax Code is amended by changing Section 27-5 and by adding Section 27-97 as follows:

(35 ILCS 200/27-5)

Sec. 27-5. Short title; definitions. This Article may be cited as the Special Service Area Tax Law.

When used in this Article:

"Energy efficiency improvement" means any installation, modification, or replacement that reduces energy consumption in any residential, commercial or industrial building, structure, or other facility, including, but not limited to, all of the following:

(1) insulation in walls, roofs, floors, foundations, and heating and cooling distribution systems;

(2) storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications;

(3) automatic energy control systems;

(d) high efficiency furnaces, lighting fixtures, ventilating, or air conditioning and distribution systems;

(4) caulking and weather-stripping;

(5) facilities, improvements or systems to bring natural daylight into buildings; and

(6) any other installation, modification, replacement, facility, improvement, rehabilitation, repair or remodeling that has the effect of reducing energy consumption.

"Green special service area" means a special service area created pursuant to Section 27-97 of this Act for the purpose of providing special services that are energy efficiency improvements, renewable energy improvements,water use improvements, or a combination thereof. The corporate authorities of the municipality or county may establish (i) multiple green energy special service areas pursuant to a single ordinance or (ii) multiple buildings, structures, facilities, improvements, or lots or parcels of land within a single green special service area, which are not required to be contiguous. Revenues from multiple green special service areas and revenues from multiple buildings, structures, facilities, improvements or lots or parcels of land within a single green special service area may be aggregated for a pledge as security for bonds issued pursuant to Section 27-45 of this Act.

"Renewable energy improvement means any fixture, product, system, device, or interacting group thereof, for any residential, commercial, or industrial building, structure, or other facility that produces energy from renewable resources as defined in Section 1-10 of the Illinois Power Agency Act.

"Special Service Area" means a contiguous area within a municipality or county in which, except as provided in this Act concerning green special service areas, special governmental services are provided in addition to those services provided generally throughout the municipality or county, the cost of the special services to be paid from revenues collected from taxes levied or imposed upon property within that area. Territory shall be considered contiguous for purposes of this Article even though certain completely surrounded portions of the territory are excluded from the special service area. A county may create a special service area within a municipality or municipalities when the municipality or municipalities consent to the creation of the special service area. A municipality may create a special service area within a municipality and the unincorporated area of a county or within another municipality when the county or other municipality consents to the creation of the special service area.

"Special Services" means all forms of services pertaining to the government and affairs of the municipality or county, including but not limited to weather modification, energy efficiency improvements, renewable energy improvements, water use improvements, and improvements permissible under Article 9 of the Illinois Municipal Code, and contracts for the supply of water as described in Section 11-124-1 of the Illinois Municipal Code which may be entered into by the municipality or by the county on behalf of a county service area.

"Water use improvement" means any fixture, product, system, device, or interacting group thereof, for or serving any residential, commercial, or industrial building, structure, or other facility that has the effect of conserving water resources through improved water management or efficiency.

(Source: P.A. 86-1324; 88-445.)

(35 ILCS 200/27-97 new)

Sec. 27-97. Green special service areas.

(a) The corporate authorities of a municipality or county may establish a green special service area, or multiple green special service areas under a single ordinance, for the purpose of arranging and financing energy efficiency improvements, renewable energy improvements, or water use improvements. Each green energy special service area shall include only property for which each owner of record has executed a contract or agreement consenting to the inclusion of such property within the green energy special service area, and such consent may occur subsequent to the adoption of the ordinance of the corporate authorities establishing the green special service area. The inclusion, or, as applicable, deletion, of property within the green special service area subsequent to the adoption of the ordinance of the corporate authorities establishing the green special service area may be made by either (i) the adoption of a supplemental or amending ordinance of the corporate authorities or (ii) pursuant to authority in the establishing ordinance designating one or more county or municipal officers, as applicable, to include, or, as applicable, delete, other properties. Green special service areas are exempt from the provisions of Sections 27-20, 27-25, 27-30, 27-35, 27-45, 27-55, 27-60, 27-65, and 27-70 of this Act. A municipality or county may create a green energy special service area by an ordinance establishing the green energy special service area. Each owner of record of property within a green special service area may arrange for the specific energy efficiency improvements, renewable energy improvements, or water use improvements and may obtain financing for such improvements through the process set forth in the ordinance establishing the green special service area. A green special service area may consist of a single building, structure, facility, improvement, or lot or parcel of land. The corporate authorities of a municipality or county may establish multiple green special service areas pursuant to a single ordinance or within a single green special service area identify multiple buildings, structures, facilities, improvements, or lots or parcels of land, whether or not contiguous. Revenues from multiple green special service areas or revenues from multiple buildings, structures, facilities, improvements or lots or parcels of land within a single green special service area may be aggregated for a pledge as security for bonds issued pursuant to Section 27-45 of this Act.

(b) The corporate authorities of a county or municipality that establishes a green special service area shall levy a tax pursuant to Section 27-75 of this Act on all property in a green special service area where each owner of record has entered into a contract or agreement for improvements. The contract or agreement entered into with the owner of the property shall be conclusive as to the due authorization and establishment of the applicable green energy special service area as it relates to that property and to the amount of special tax to be levied and extended against the property for such improvements. A contract or agreement may specify tax levies pursuant to Section 27-75 of this Act related to the applicable energy efficiency improvements, renewable energy improvements, water use improvements, or a combination thereof, or as applicable to the principal of and interest on bonds issued, including as a part of a larger pooled or composite issue, for financing such improvements. The specified tax levies in a contract or agreement when recorded as provided in subsection (c) of this Section and filed with the county clerk shall be authority for each affected county to extend and collect the levied taxes for the applicable municipality or county, or both, with respect to each such contract or agreement.

(c) The contract or agreement in subsection (b) of this Section shall be in recordable form and shall be recorded in the office of the recorder in the county where the property is located.

(d) This Section shall be liberally construed to affect the legislative purpose of enabling taxpayers to make energy efficiency improvements, renewable energy improvements, or water use improvements to their properties.

Section 15. The Counties Code is amended by changing Section 5-1005 as follows:

(55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

Sec. 5-1005. Powers. Each county shall have power:

1. To purchase and hold the real and personal estate necessary for the uses of the county, and to purchase and hold, for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

2. To sell and convey or lease any real or personal estate owned by the county.

3. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

4. To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

5. To purchase and hold or lease real estate upon which may be erected and maintained buildings to be utilized for purposes of agricultural experiments and to purchase, hold and use

personal property for the care and maintenance of such real estate in connection with such experimental purposes.

6. To cause to be erected, or otherwise provided, suitable buildings for, and maintain a county hospital and necessary branch hospitals and/or a county sheltered care home or county nursing home for the care of such sick, chronically ill or infirm persons as may by law be proper charges upon the county, or upon other governmental units, and to provide for the management of the same. The county board may establish rates to be paid by persons seeking care and treatment in such hospital or home in accordance with their financial ability to meet such charges, either personally or through a hospital plan or hospital insurance, and the rates to be paid by governmental units, including the State, for the care of sick, chronically ill or infirm persons admitted therein upon the request of such governmental units. Any hospital maintained by a county under this Section is authorized to provide any service and enter into any contract or other arrangement not prohibited for a hospital that is licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

7. To contribute such sums of money toward erecting, building, maintaining, and supporting any non-sectarian public hospital located within its limits as the county board of the county shall deem proper.

8. To purchase and hold real estate for the preservation of forests, prairies and other natural areas and to maintain and regulate the use thereof.

9. To purchase and hold real estate for the purpose of preserving historical spots in the county, to restore, maintain and regulate the use thereof and to donate any historical spot to the State.

10. To appropriate funds from the county treasury to be used in any manner to be determined by the board for the suppression, eradication and control of tuberculosis among domestic cattle in such county.

11. To take all necessary measures to prevent forest fires and encourage the maintenance and planting of trees and the preservation of forests.

12. To authorize the closing on Saturday mornings of all offices of all county officers at the county seat of each county, and to otherwise regulate and fix the days and the hours of opening and closing of such offices, except when the days and the hours of opening and closing of the office of any county officer are otherwise fixed by law; but the power herein conferred shall not apply to the office of State's Attorney and the offices of judges and clerks of courts and, in counties of 500,000 or more population, the offices of county clerk.

13. To provide for the conservation, preservation and propagation of insectivorous birds through the expenditure of funds provided for such purpose.

14. To appropriate funds from the county treasury and expend the same for care and treatment of tuberculosis residents.

15. In counties having less than 1,000,000 inhabitants, to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the county.

16. To install an adequate system of accounts and financial records in the offices and divisions of the county, suitable to the needs of the office and in accordance with generally accepted principles of accounting for governmental bodies, which system may include such reports as the county board may determine.

17. To purchase and hold real estate for the construction and maintenance of motor vehicle parking facilities for persons using county buildings, but the purchase and use of such real estate shall not be for revenue producing purposes.

18. To acquire and hold title to real property located within the county, or partly within and partly outside the county by dedication, purchase, gift, legacy or lease, for park and recreational purposes and to charge reasonable fees for the use of or admission to any such park or recreational area and to provide police protection for such park or recreational area. Personnel employed to provide such police protection shall be conservators of the peace within such park or recreational area and shall have power to make arrests on view of the offense or upon warrants for violation of any of the ordinances governing such park or recreational area or for any breach of the peace in the same manner as the police in municipalities organized and existing under the general laws of the State. All such real property outside the county shall be contiguous to the county and within the boundaries of the State of Illinois.

19. To appropriate funds from the county treasury to be used to provide supportive social services designed to prevent the unnecessary institutionalization of elderly residents, or, for

operation of, and equipment for, senior citizen centers providing social services to elderly residents.

20. To appropriate funds from the county treasury and loan such funds to a county water commission created under the "Water Commission Act", approved June 30, 1984, as now or hereafter amended, in such amounts and upon such terms as the county may determine or the county and the commission may agree. The county shall not under any circumstances be obligated to make such loans. The county shall not be required to charge interest on any such loans.

21. To appropriate and expend funds from the county treasury for economic development purposes, including the making of grants to any other governmental entity or commercial enterprise deemed necessary or desirable for the promotion of economic development in the county.

22. To lease space on a telecommunications tower to a public or private entity.

23. In counties having a population of 100,000 or less and a public building commission organized by the county seat of the county, to cause to be erected or otherwise provided, and to maintain or cause to be maintained, suitable facilities to house students pursuing a post-secondary education at an academic institution located within the county. The county may provide for the management of the facilities.

24. To engage in and undertake activities related to and in connection with governmental and private energy efficiency improvements, renewable energy improvements, and water use improvements as defined in the Special Service Area Tax Law, including, but not limited to, special service areas related to green special service area financing for energy efficiency improvements, renewable energy improvements, and water use improvements whether on public or private property, under the Special Service Area Tax Law. This item shall be liberally construed to effect the legislative purpose of enabling taxpayers to make energy efficiency improvements, renewal energy improvements, and water use improvements to their properties.

All contracts for the purchase of coal under this Section shall be subject to the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as amended.

(Source: P.A. 95-197, eff. 8-16-07; 95-813, eff. 1-1-09; 96-622, eff. 8-24-09.)

Section 20. The Illinois Municipal Code is amended by adding Division 15.4 to Article 11 as follows:

(65 ILCS 5/Art. 11 Div. 15.4 heading new)

DIVISION 15.4. GREEN SPECIAL SERVICE AREAS

(65 ILCS 5/11-15.4-1 new)

Sec. 11-15.4-1. Green special service areas. Each municipality shall have the power and authority to engage in and undertake activities related to and in connection with governmental and private energy efficiency improvements, renewable energy improvements, and water use improvements as defined in the Special Service Area Tax Law, including, but not limited to, special service area financing related to green special service areas for energy efficiency improvements, renewable energy improvements, and water use improvements whether on public or private property, under the Special Service Area Tax Law. This Section shall be liberally construed to effect the legislative purpose of enabling taxpayers to make energy efficiency improvements, renewable energy improvements, or water use improvements to their properties.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2505

AMENDMENT NO. 2. Amend Senate Bill 2505, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, by replacing everything from line 22 on page 10 through line 6 on page 11 with the following:

"(4) high efficiency furnaces, lighting fixtures, ventilating, or air conditioning and distribution systems;

(5) caulking and weather-stripping;

(6) facilities, improvements, or systems to bring natural daylight into buildings; and

(7) any other installation, modification, replacement, facility, improvement, rehabilitation, repair, or remodeling that has the effect of reducing energy consumption."; and

on page 11, line 10, by replacing "improvements,water" with "improvements, water"; and

on page 11, line 13, by replacing "green energy" with "green"; and

on page 13, line 15, by replacing "green energy" with "green"; and

on page 13, line 18, by replacing "green energy" with "green"; and

on page 14, line 7, by replacing "green energy" with "green"; and

on page 14, line 8, by replacing "green energy" with "green"; and

on page 15, line 8, by replacing "green energy" with "green".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2505

AMENDMENT NO. 3. Amend Senate Bill 2505, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 14, by replacing "10" with "20 ~~10~~"; and

on page 8, line 13, by replacing "therefor" with "for those purposes ~~therefor~~"; and

on page 11, line 22, by replacing "improvement means" with "improvement" means"; and

on page 11, line 23, after "for", by inserting "or serving" ; and

on page 13, line 18, by replacing "consent" with "contract"; and

on page 13, lines 24 and 25, by replacing "by either (i)" with "either (i) by"; and

on page 14, line 6, by replacing "27-45" with "27-40"; and

on page 14, immediately below line 26, by inserting the following:
"Municipalities and counties shall have the power to issue bonds under Section 27-45 for the public purposes set forth in this Section 27-97; provided that is not necessary to conduct a public hearing, as required in Section 27-45, in connection with the issuance of those bonds."; and

on page 15, line 5, after "improvements", by inserting "; provided that it is not necessary to file a copy of the notice of public hearing with the County Clerk as otherwise required by Section 27-45.

on page 15, line 23, after "agreement.", by inserting "Municipalities must have consent from the County Clerk before creating a Green Special Service Area."; and

on page 16, immediately below line 1, by inserting the following:
"(d) Any unit of local government with the authority to provide special service area financing in connection with green special service area projects, as provided in the Special Service Area Tax Law, is authorized to do any of the following: (i) issue special service area bonds, (ii) sell or assign those bonds to the Authority, and (iii) assign or pledge those special service area bonds, agreements relating to public and private green special service area projects, or both to the Illinois Finance Authority."; and

on page 16, line 2, by replacing "(d)" with "(e)"; and

on page 22, line 2, by replacing "renewal" with "renewable"; and

on page 22, line 3, by replacing "to their" with "to or serving the designated"; and

on page 23, line 6, by replacing "to their" with "to or serving the designated".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 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 Frerichs, **Senate Bill No. 2505**, 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 11; Present 1.

The following voted in the affirmative:

Althoff	Frerichs	Koehler	Schoenberg
Bomke	Garrett	Kotowski	Silverstein
Bond	Haine	Lightford	Steans
Clayborne	Hendon	Link	Sullivan
Collins	Holmes	Maloney	Trotter
Cronin	Hunter	Muñoz	Wilhelmi
Crotty	Hutchinson	Noland	Mr. President
Delgado	Jacobs	Pankau	
Demuzio	Jones, E.	Raoul	
Dillard	Jones, J.	Sandoval	

The following voted in the negative:

Bivins	Duffy	Luechtefeld	Righter
Burzynski	Hultgren	McCarter	Syverson
Dahl	Lauzen	Murphy	

The following voted present:

Harmon

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 Demuzio, **Senate Bill No. 2547** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2547

AMENDMENT NO. _2_. Amend Senate Bill 2547, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by adding Section 16-121.1 as follows:

(40 ILCS 5/16-121.1 new)

Sec. 16-121.1. Optional earnings credit. A participant may establish earnings credit for moneys that

would have otherwise been received for being a National Board Certified Teacher had appropriations been available on or after January 1, 2010 and ending on or before June 30, 2010. In no case shall the earnings credit be greater than $3,500. To receive this credit, the participant must (i) apply in writing to the System before December 31, 2010; (ii) receive compensation from an employer for being a national board certified teacher; and (iii) pay the employee and employer contribution that would have been required had such salary been received plus interest thereon at the actuarially assumed rate from the date of the receipt of any stipend associated with being a National Board Certified Teacher between January 1, 2010 and June 30, 2010 and the date in which the teacher makes application under this Section, compounded annually, at a rate determined by the Board to be equal to the actuarial assumed rate of interest.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2547

AMENDMENT NO. 3. Amend Senate Bill 2547, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 1, line 12, by replacing "2010" with "2011"; and

on page 2, line 4, by replacing "stipend" with "salary"; and

on page 2, line 5, by replacing "June 30, 2010" with "June 30, 2011".

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 Demuzio, **Senate Bill No. 2547**, 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:

Althoff	Haine	Lightford	Schoenberg
Bomke	Harmon	Link	Silverstein
Clayborne	Hendon	Luechtefeld	Steans
Collins	Holmes	Maloney	Sullivan
Crotty	Hunter	Millner	Trotter
Delgado	Hutchinson	Muñoz	Wilhelmi
Demuzio	Jacobs	Noland	Mr. President
Dillard	Jones, E.	Pankau	
Frerichs	Koehler	Raoul	
Garrett	Kotowski	Sandoval	

The following voted in the negative:

Bivins	Duffy	McCarter	Syverson
Burzynski	Hultgren	Murphy	
Cronin	Jones, J.	Radogno	
Dahl	Lauzen	Righter	

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 Haine, **Senate Bill No. 2556** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2556

AMENDMENT NO. 2. Amend Senate Bill 2556, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Sections 3.102 and 3.103 as follows:

(415 ILCS 5/3.102 new)

Sec. 3.102. 100-year flood. "100-year flood" means a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly longer period.

(415 ILCS 5/3.103 new)

Sec. 3.103. 100-year floodplain. "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a 100-year flood. For the purposes of this Act, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a federal levee and is located in a flood prevention district established in accordance with the Flood Prevention District Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall not be excluded by operation of law from the 100-year floodplain if the area is not protected by a federal levee and, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood as a result of the flooding of bodies of water other than the Mississippi River.

Section 10. The Livestock Management Facilities Act is amended by adding Section 10.3 as follows:

(510 ILCS 77/10.3 new)

Sec. 10.3. 100-year floodplain. "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. For the purposes of this Act, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a federal levee and is located in a flood prevention district established in accordance with the Flood Prevention District Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall not be excluded by operation of law from the 100-year floodplain if the area is not protected by a federal levee and, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood as a result of the flooding of bodies of water other than the Mississippi River.

Section 15. The Rivers, Lakes, and Streams Act is amended by adding Section 18h and by changing Sections 18f and 18g as follows:

(615 ILCS 5/18f) (from Ch. 19, par. 65f)

Sec. 18f.

(a) The Department of Natural Resources shall define 100-year floodplains ~~flood plains~~ within the State of Illinois on a township by township basis and may issue permits for any construction within such

100-year floodplains ~~flood-plains~~ on or after the effective date of this amendatory Act of 1971. The Department shall publish and distribute suitable reports, together with mapping and hydrologic exhibits pertaining to 100-year floodplains ~~flood-plains~~ defined and established under this Act. In defining applicable 100-year floodplains ~~flood-plains~~, the Department shall cooperate with, and shall consider planning and zoning requirements of, regional planning agencies created by statute, counties, municipalities and other units of government. A period of thirty days shall be allowed for any agency to submit written comments to the Department regarding any proposed 100-year floodplain ~~flood-plain~~ area. If such agency fails to return comments to the Department within the specified time period the Department may proceed with the publication and institution of the 100-year floodplain ~~flood-plain~~ permit procedure. The Department is charged with the planning, development , and evaluation of the most economic combination of retention storage, channel improvement, and floodplain ~~flood-plain~~ preservation in defining and establishing 100-year floodplain ~~flood-plain~~ areas. All construction undertaken on a defined 100-year floodplain ~~flood-plain~~ subsequent to the effective date of this amendatory Act, without benefit of a permit from the Department of Natural Resources, shall be unlawful and the Department, may in its discretion, proceed to obtain injunctive relief for abatement or removal of such unlawful construction. The Department, in its discretion, may make such investigations and conduct such hearings as may be necessary to the performance of its duties under this amendatory Act of 1971. Activity of the Department under this Section shall be limited to townships related to projects of the Department authorized by the General Assembly. The report of the Department shall be considered a final administrative decision and subject to judicial review in accordance with the provision of the Administrative Review Law.

(b) For the purposes of this Section, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. For the purposes of this Section, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a federal levee and is located in a flood prevention district established in accordance with the Flood Prevention District Act; provided, however, that an area that lies within a flood prevention district established in accordance with the Flood Prevention District Act shall not be excluded by operation of law from the 100-year floodplain if the area is not protected by a federal levee and, according to the currently adopted federal flood insurance rate map, the area is subject to inundation by a 100-year flood as a result of the flooding of bodies of water other than the Mississippi River.

(Source: P.A. 89-445, eff. 2-7-96.)

(615 ILCS 5/18g) (from Ch. 19, par. 65g)

Sec. 18g. (a) The Department of Natural Resources shall define the 100-year floodway within metropolitan counties located in the area served by the Northeastern Illinois Planning Commission, except for the part of that area which is within any city with a population exceeding 1,500,000. In defining the 100-year floodway, the Department may rely on published data and maps which have been prepared by the Department itself, by the Illinois State Water Survey of the University of Illinois, by federal, State or local governmental agencies, or by any other private or public source which it determines to be reliable and appropriate.

(b) The Department may issue permits for construction that is an appropriate use of the designated 100-year floodway in such metropolitan counties. If a unit of local government has adopted an ordinance that establishes minimum standards for appropriate use of the floodway that are at least as restrictive as those established by the Department and this Section, and the unit of local government has adequate staff to enforce the ordinance, the Department may delegate to such unit of local government the authority to issue permits for construction that is an appropriate use of the floodway within its jurisdiction.

(c) No person may engage in any new construction within the 100-year floodway as designated by the Department in such metropolitan counties, unless such construction relates to an appropriate use of the floodway. No unit of local government, including home rule units, in such metropolitan counties may issue any building permit or other apparent authorization for any prohibited new construction within the 100-year floodway.

(d) For the purpose of this Section, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly":

(1) "100-year floodway" means the channel and that portion of the 100-year floodplain adjacent to a stream or watercourse which is needed to store and convey the 100-year frequency flood

discharge without a significant increase in stage.

(1.5) "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.

(2) "New construction" means the construction of any new building or structure or the placement of any fill or material, but does not include the repair, remodeling or maintenance of buildings or structures in existence on the effective date of this amendatory Act of 1987.

(3) "Appropriate use of the floodway" means use for (i) flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding or erosion; (ii) structures or facilities relating to the use of, or requiring access to, the water or shoreline, including pumping and treatment facilities, and facilities and improvements related to recreational boats, commercial shipping and other functionally dependent uses; and (iii) any other purposes which the Department determines, by rule, to be appropriate to the 100-year floodway, and the periodic inundation of which will not pose a danger to the general health and welfare of the user, or require the expenditure of public funds or the provision of public resources or disaster relief services. Appropriate use of the floodway does not include construction of a new building unless such building is a garage, storage shed or other structure accessory to an existing building and such building does not increase flood stages.

(4) "Person" includes natural persons, corporations, associations, governmental entities, and all other legal entities.

(e) All construction undertaken on a designated 100-year floodway in such metropolitan counties, without benefit of a permit from the Department of Natural Resources, shall be unlawful and the Department or any affected unit of local government may, in its discretion, proceed to obtain injunctive relief for abatement or removal of such unlawful construction. The Department, in its discretion, may make such investigations and conduct such hearings and adopt such rules as may be necessary to the performance of its duties under this Section.

(f) This Section does not limit any power granted to the Department by any other Act.

(g) This Section does not limit the concurrent exercise by any unit of local government of any power consistent herewith.

(h) This Section does not apply to any city with a population exceeding 1,500,000.

(Source: P.A. 95-728, eff. date - See Sec. 999.)

(615 ILCS 5/18h new)

Sec. 18h. Conflicts with Executive Order 2006-5. To the extent that Executive Order 2006-5 is inconsistent with the provisions of this amendatory Act of the 96th General Assembly, the provisions of this amendatory Act shall govern.

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 Haine, **Senate Bill No. 2556**, 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 51; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Kotowski	Raoul
Bivins	Garrett	Lauzen	Righter
Bomke	Haine	Lightford	Risinger

Burzynski	Harmon	Link	Sandoval
Clayborne	Hendon	Luechtefeld	Schoenberg
Collins	Holmes	Maloney	Silverstein
Cronin	Hultgren	McCarter	Steans
Crotty	Hunter	Millner	Sullivan
Dahl	Hutchinson	Muñoz	Syverson
Delgado	Jacobs	Murphy	Trotter
Demuzio	Jones, E.	Noland	Wilhelmi
Dillard	Jones, J.	Pankau	Mr. President
Duffy	Koehler	Radogno	

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 Althoff, **Senate Bill No. 2863** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2863

AMENDMENT NO. 1. Amend Senate Bill 2863 by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by changing Sections 4, 5, 6, 7, 8, and 8.1 and by adding Section 3.2 as follows:

(225 ILCS 10/3.2 new)

Sec. 3.2. Licensing fees; fines; DCFS Children's Services Fund.

(a) The Department shall charge a fee for issuing or renewing a license on every child care facility, other than a foster home. These fees shall be paid to the Department upon the issuance or renewal of a license. The Department shall adopt rules pursuant to the Illinois Administrative Procedure Act pertaining to rate setting for licensing fees. Any fee for licensure application or renewal for a day care home, as defined in this Act, shall not exceed $100 and any fee for a day care center, as defined in this Act, shall not exceed $500.

(b) The Department may assess a fine on any child care facility, other than a foster home or day care home, for a violation of this Act. The Department shall adopt rules pursuant to the Illinois Administrative Procedure Act pertaining to and setting the fines established under this Act. No fine shall exceed $500 per violation.

(c) All fees and fines collected by the Department under this Act shall be deposited into the DCFS Children's Services Fund and must be used to enhance services by the Department pursuant to this Act.

(225 ILCS 10/4) (from Ch. 23, par. 2214)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons, or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the

household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Application for a license to operate a child care facility, other than a foster home, shall include a non-refundable application fee. The Department shall adopt rules and policies pursuant to the Illinois Administrative Procedure Act to set a fee schedule.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons responsible for care of children, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, and has paid the applicable application fee, then the Department ~~it~~ shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(Source: P.A. 94-586, eff. 8-15-05.)

(225 ILCS 10/5) (from Ch. 23, par. 2215)

Sec. 5. (a) In respect to child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies, and group homes, the Department, upon receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to foster family and day care homes, applications may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care or by out-of-State agencies approved by the Department to place children in this State. In respect to day care homes, applications may be filed on behalf of such homes by a licensed day care agency or licensed child welfare agency. In applying for license in behalf of a home in which children are placed by and remain under supervision of the applicant agency, such agency shall certify that the home and persons responsible for care of unrelated children therein, or the home and relatives responsible for the care of related children therein, were found to be in reasonable compliance with standards prescribed by the Department for the type of care indicated.

(c) The Department shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that such person is familiar with this Act and with the appropriate standards and regulations of the Department.

(d) With the exception of day care centers, day care homes, and group day care homes, licenses shall be issued in such form and manner as prescribed by the Department and are valid for 4 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. Licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. When a licensee has made timely and sufficient application for the renewal of a license or a new license, including payment of the required fee, with reference to any activity of a continuing nature, the existing

license shall continue in full force and effect for up to 30 days until the final agency decision on the application has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown. If for any reason, other than Department delay, the renewal process is not completed within 6 months of the submission of the renewal application, then the license expires and under no circumstances shall an additional extension be granted by the Department and the facility must submit a new application for a new license.

(e) The Department may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license. If the facility for child care is a foster family home, or day care home the Department may issue one 2-month permit only.

(f) The Department may issue an emergency permit to a child care facility taking in children as a result of the temporary closure for more than 2 weeks of a licensed child care facility due to a natural disaster. An emergency permit under this subsection shall be issued to a facility only if the persons providing child care services at the facility were employees of the temporarily closed day care center at the time it was closed. No investigation of an employee of a child care facility receiving an emergency permit under this subsection shall be required if that employee has previously been investigated at another child care facility. No emergency permit issued under this subsection shall be valid for more than 90 days after the date of issuance.

(g) During the hours of operation of any licensed child care facility, authorized representatives of the Department may without notice visit the facility for the purpose of determining its continuing compliance with this Act or regulations adopted pursuant thereto.

(h) Day care centers, day care homes, and group day care homes shall be monitored at least annually by a licensing representative from the Department or the agency that recommended licensure.

(Source: P.A. 89-21, eff. 7-1-95; 89-263, eff. 8-10-95; 89-626, eff. 8-9-96.)

(225 ILCS 10/6) (from Ch. 23, par. 2216)

Sec. 6. (a) A licensed facility operating as a "child care institution", "maternity center", "child welfare agency", "day care agency" or "day care center" must apply for renewal of its license held, the application to be made to the Department on forms prescribed by it. The Department shall charge a fee for the renewal of a license as required in Section 3.2 of this Act.

(b) The Department, a duly licensed child welfare agency or a suitable agency or person designated by the Department as its agent to do so, must re-examine every child care facility for renewal of license, including in that process the examination of the premises and records of the facility as the Department considers necessary to determine that minimum standards for licensing continue to be met, and random surveys of parents or legal guardians who are consumers of such facilities' services to assess the quality of care at such facilities. In the case of foster family homes, or day care homes under the supervision of or otherwise required to be licensed by the Department, or under supervision of a licensed child welfare agency or day care agency, the examination shall be made by the Department, or agency supervising such homes. If the Department is satisfied that the facility continues to maintain minimum standards which it prescribes and publishes, it shall renew the license to operate the facility.

(c) If a child care facility's license is revoked, or if the Department refuses to renew a facility's license, the facility may not reapply for a license before the expiration of 12 months following the Department's action; provided, however, that the denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to this Act or maintaining a facility which adheres to such standards and rules.

(Source: P.A. 86-554.)

(225 ILCS 10/7) (from Ch. 23, par. 2217)

Sec. 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to regulations pertaining to the following matters and to any rules and regulations required or permitted by any other Section of this Act:

(1) The operation and conduct of the facility and responsibility it assumes for child care;

(2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. All child day care center licensees and

employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department rules;

(3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

(4) The number of individuals or staff required to insure adequate supervision and care of the children received. The standards shall provide that each child care institution, maternity center, day care center, group home, day care home, and group day care home shall have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department. Child welfare agencies shall not be subject to such a staffing requirement. The Department may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of foster family homes and day care homes in first aid and cardiopulmonary resuscitation;

(5) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received;

(6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

(7) Provisions to safeguard the legal rights of children served;

(8) Maintenance of records pertaining to the admission, progress, health and discharge of children, including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations. The Department shall require proof that children enrolled in a facility have been immunized against Haemophilus Influenzae B (HIB);

(9) Filing of reports with the Department;

(10) Discipline of children;

(11) Protection and fostering of the particular religious faith of the children served;

(12) Provisions prohibiting firearms on day care center premises except in the possession of peace officers;

(13) Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;

(14) Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition permitted on day care home premises shall be kept in locked storage separate from that of disassembled firearms, inaccessible to children;

(15) Provisions requiring notification of parents or guardians enrolling children at a day care home of the presence in the day care home of any firearms and ammunition and of the arrangements for the separate, locked storage of such firearms and ammunition.

(a-5) The Department must prescribe and publish schedules for licensure application and licensing renewal fees that apply to the various types of child care facilities, other than foster homes. The fee and fine schedules prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act.

(a-10) The Department shall publish information on substantiated violations found in all facilities licensed under this Act, other than foster homes. The Department must prescribe and publish schedules of fines that apply to the various child care facilities, other than foster homes or day care homes, for violations of this Act. The fine schedules prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act.

(b) If, in a facility for general child care, there are children diagnosed as mentally ill, mentally retarded or physically handicapped, who are determined to be in need of special mental treatment or of nursing care, or both mental treatment and nursing care, the Department shall seek the advice and recommendation of the Department of Human Services, the Department of Public Health, or both Departments regarding the residential treatment and nursing care provided by the institution.

(c) The Department shall investigate any person applying to be licensed as a foster parent to determine whether there is any evidence of current drug or alcohol abuse in the prospective foster family. The Department shall not license a person as a foster parent if drug or alcohol abuse has been identified in

the foster family or if a reasonable suspicion of such abuse exists, except that the Department may grant a foster parent license to an applicant identified with an alcohol or drug problem if the applicant has successfully participated in an alcohol or drug treatment program, self-help group, or other suitable activities.

(d) The Department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served. Such consultation shall include providing information concerning education and training in early childhood development to providers of day care home services. The Department may provide or arrange for such education and training for those providers who request such assistance.

(e) The Department shall distribute copies of licensing standards to all licensees and applicants for a license. Each licensee or holder of a permit shall distribute copies of the appropriate licensing standards and any other information required by the Department to child care facilities under its supervision. Each licensee or holder of a permit shall maintain appropriate documentation of the distribution of the standards. Such documentation shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(f) The Department shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department.

(g) The Department shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility. Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(h) Any standards involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(i) The Department, in cooperation with the Department of Public Health, shall work to increase immunization awareness and participation among parents of children enrolled in day care centers and day care homes by publishing on the Department's website information about the benefits of annual immunization against influenza for children 6 months of age to 5 years of age. The Department shall work with day care centers and day care homes licensed under this Act to ensure that the information is annually distributed to parents in August or September.

(Source: P.A. 96-391, eff. 8-13-09.)

(225 ILCS 10/8) (from Ch. 23, par. 2218)

Sec. 8. The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to maintain standards prescribed and published by the Department;

(2) violate any of the provisions of the license issued;

(2.3) fail to pay a license renewal fee;

(2.5) fail to pay a fine owed to the Department;

(3) furnish or make any misleading or any false statement or report to the Department;

(4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;

(5) fail or refuse to submit to an investigation by the Department;

(6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

(7) fail to provide, maintain, equip and keep in safe and sanitary condition premises

established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

(8) refuse to display its license or permit;

(9) be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;

(10) fail to comply with the provisions of Section 7.1;

(11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;

(12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;

(12.5) fail to comply with subsection (c-5) of Section 7.4;

(13) fail to comply with Section 5.1 or 5.2 of this Act; or

(14) be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.

(Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

(225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

Sec. 8.1. The Department shall revoke or refuse to renew the license of any child care facility or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:

(1) fail to correct any condition which jeopardizes the health, safety, morals, or welfare of children served by the facility;

(2) fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of this Act; ~~or~~

(3) fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children; ~~.~~

(4) fail to pay a license renewal fee; or

(5) fail to pay a fine owed to the Department.

(Source: P.A. 83-1362.)

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

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 Althoff, **Senate Bill No. 2863**, 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 40; NAYS 7.

The following voted in the affirmative:

Althoff	Garrett	Kotowski	Schoenberg
Bomke	Haine	Lightford	Silverstein
Bond	Harmon	Link	Steans
Clayborne	Hendon	Maloney	Sullivan

Collins	Holmes	Millner	Trotter
Crotty	Hultgren	Muñoz	Wilhelmi
Dahl	Hunter	Noland	Mr. President
Delgado	Hutchinson	Pankau	
Demuzio	Jacobs	Raoul	
Dillard	Jones, E.	Risinger	
Frerichs	Koehler	Sandoval	

The following voted in the negative:

Burzynski	Jones, J.	Luechtefeld	Murphy
Duffy	Lauzen	McCarter	

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 Frerichs, **Senate Bill No. 2925** was recalled from the order of third reading to the order of second reading.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2925

AMENDMENT NO. 1. Amend Senate Bill 2925 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Section 1-20 as follows:

(10 ILCS 5/1-20 new)

Sec. 1-20. Public university registration and voting pilot project. For the 2010 General Election, in addition to all other locations at which the election authority is required or permitted by this Code to conduct grace period registration, grace period voting, or early voting, each election authority shall conduct grace period registration, grace period voting, and early voting at a central, high student traffic location on the campus of each public university within the election authority's jurisdiction. For the purposes of this Section, "public university" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University. The registration conducted under this Section shall be available to any qualified resident of this State, including students, staff members, and faculty members of the host campus. The voting conducted under this Section shall be available to any qualified voter of the election jurisdiction, including students, staff members, and faculty members of the host campus, notwithstanding any provision of Section 19A-10 permitting an election authority to designate the use of specified early voting polling places.

The registration and voting required by this Section to be conducted on campus must be conducted as otherwise required by this Code, except that the election authority is not required to conduct registration or voting under this Section at times other than the regular business hours of the host campus.

Each public university shall make the space available in a central, high student traffic area for, and cooperate and coordinate with the appropriate election authority in, the implementation of this Section.

By March 1, 2011, the election authorities affected by this pilot project shall report to the State Board of Elections the following information: (i) the total number of individuals that engaged in grace period registration, grace period voting, or early voting at the campus site and (ii) how grace period registration, grace period voting, or early voting at the campus site was conducted.

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 OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Frerichs, **Senate Bill No. 2925**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Frerichs, further consideration of **Senate Bill No. 2925** was postponed.

At the hour of 11:51 o'clock a.m., Senator Harmon, presiding.

On motion of Senator Trotter, **Senate Bill No. 3064**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call, on motion of Senator Trotter, further consideration of **Senate Bill No. 3064** was postponed.

At the hour of 12:09 o'clock p.m., Senator Hendon, presiding, and the Chair announced the Senate stand at ease.

AT EASE

At the hour of 12:16 o'clock p.m., the Senate resumed consideration of business.
Senator Hendon, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2010 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Commerce: **House Bills Numbered 4984 and 6030.**

Criminal Law: **House Bills Numbered 5494 and 6140.**

Executive: **House Bills Numbered 1826, 4623, 4927, 4933, 4934, 4976, 4985, 5255, 5377, 5501, 5640, 5858, 5917, 5933, 5960 and 6065.**

Licensed Activities: **House Bills Numbered 5430, 5744 and 5991.**

Local Government: **House Bill No. 6235.**

Pensions and Investments: **House Bill No. 5149.**

Revenue: **House Bills Numbered 6125 and 6126.**

State Government and Veterans Affairs: **House Bills Numbered 5065, 5076, 5565, 5824 and 5927.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2010 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Education: **Senate Joint Resolution No. 80.**

At the hour of 12:18 o'clock p.m., Senator Harmon, presiding.

SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 3215** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3215

AMENDMENT NO. 3. Amend Senate Bill 3215, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Personnel Code is amended by changing Section 4d as follows:

(20 ILCS 415/4d) (from Ch. 127, par. 63b104d)

Sec. 4d. Partial exemptions. The following positions in State service are exempt from jurisdictions A, B, and C to the extent stated for each, unless those jurisdictions are extended as provided in this Act:

(1) In each department, board or commission that now maintains or may hereafter maintain a major administrative division, service or office in both Sangamon County and Cook County, 2 private secretaries for the director or chairman thereof, one located in the Cook County office and the other located in the Sangamon County office, shall be exempt from jurisdiction B; in all other departments, boards and commissions one private secretary for the director or chairman thereof shall be exempt from jurisdiction B. In all departments, boards and commissions one confidential assistant for the director or chairman thereof shall be exempt from jurisdiction B. This paragraph is subject to such modifications or waiver of the exemptions as may be necessary to assure the continuity of federal contributions in those agencies supported in whole or in part by federal funds.

(2) The resident administrative head of each State charitable, penal and correctional institution, the chaplains thereof, and all member, patient and inmate employees are exempt from jurisdiction B.

(3) The Civil Service Commission, upon written recommendation of the Director of Central Management Services, shall exempt from jurisdiction B other positions which, in the judgment of the Commission, involve either principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out, except positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements, and except positions in agencies supported in whole by federal funds.

(4) All beauticians and teachers of beauty culture and teachers of barbering, and all positions heretofore paid under Section 1.22 of "An Act to standardize position titles and salary rates", approved June 30, 1943, as amended, shall be exempt from jurisdiction B.

(5) Licensed attorneys in positions as legal or technical advisors, positions in the Department of Natural Resources requiring incumbents to be either a registered professional engineer or to hold a bachelor's degree in engineering from a recognized college or university, licensed physicians in positions of medical administrator or physician or physician specialist (including psychiatrists), and registered nurses (except those registered nurses employed by the Department of Public Health), except those in positions in agencies which receive federal funds if such exemption is inconsistent with federal requirements and except those in positions in agencies supported in whole by federal funds, are exempt from jurisdiction B only to the extent that the requirements of Section 8b.1, 8b.3 and 8b.5 of this Code need not be met.

(6) All positions established outside the geographical limits of the State of Illinois to which appointments of other than Illinois citizens may be made are exempt from jurisdiction B.

(7) Staff attorneys reporting directly to individual Commissioners of the Illinois Workers' Compensation Commission are exempt from jurisdiction B.

(8) Persons having specialized and advanced training and experience in information technology deployment and support, including specialized and advanced training and experience in design, operation, or management of computer hardware, software telecommunications, or wide-area networks, that is specifically required by the position description within the bureau of the Department of Central Management Services that is responsible for State information technology and telecommunications systems, or persons maintaining an industry-recognized certification in information technology that is

specifically required by the position description with the bureau of the Department of Central Management Services that is responsible for State information technology and telecommunications systems, are exempt from jurisdiction B only to the extent that the requirements of Sections 8b.1, 8b.3, and 8b.5 of this Code need not be met. This paragraph (8) is no longer operative after December 31, 2012.

(Source: P.A. 93-721, eff. 1-1-05.)

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. 3 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 Trotter, **Senate Bill No. 3215**, 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 46; NAYS None.

The following voted in the affirmative:

Bivins	Garrett	Lauzen	Raoul
Bomke	Haine	Lightford	Righter
Bond	Harmon	Link	Risinger
Burzynski	Hendon	Luechtefeld	Sandoval
Clayborne	Holmes	Maloney	Steans
Collins	Hultgren	McCarter	Sullivan
Crotty	Hunter	Millner	Syverson
Dahl	Hutchinson	Muñoz	Trotter
Demuzio	Jones, E.	Murphy	Wilhelmi
Dillard	Jones, J.	Noland	Mr. President
Duffy	Koehler	Pankau	
Frerichs	Kotowski	Radogno	

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

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

SENATE BILL RECALLED

On motion of Senator J. Jones, **Senate Bill No. 3320** was recalled from the order of third reading to the order of second reading.

Senator J. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3320

AMENDMENT NO. __1__. Amend Senate Bill 3320 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 57.7, 57.9, 57.11, and 57.13 and by adding Sections 57.18 and 57.19 as follows:

(415 ILCS 5/57.7)

Sec. 57.7. Leaking underground storage tanks; site investigation and corrective action.

(a) Site investigation.

(1) For any site investigation activities required by statute or rule, the owner or operator shall submit to the Agency for approval a site investigation plan designed to determine the nature, concentration, direction of movement, rate of movement, and extent of the contamination as well as the significant physical features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment.

(2) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a site investigation budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the site investigation plan.

(3) Remediation objectives for the applicable indicator contaminants shall be determined using the tiered approach to corrective action objectives rules adopted by the Board pursuant to this Title and Title XVII of this Act. For the purposes of this Title, "Contaminant of Concern" or "Regulated Substance of Concern" in the rules means the applicable indicator contaminants set forth in subsection (d) of this Section and the rules adopted thereunder.

(4) Upon the Agency's approval of a site investigation plan, or as otherwise directed by the Agency, the owner or operator shall conduct a site investigation in accordance with the plan.

(5) Within 30 days after completing the site investigation, the owner or operator shall submit to the Agency for approval a site investigation completion report. At a minimum the report shall include all of the following:

(A) Executive summary.

(B) Site history.

(C) Site-specific sampling methods and results.

(D) Documentation of all field activities, including quality assurance.

(E) Documentation regarding the development of proposed remediation objectives.

(F) Interpretation of results.

(G) Conclusions.

(b) Corrective action.

(1) If the site investigation confirms none of the applicable indicator contaminants exceed the proposed remediation objectives, within 30 days after completing the site investigation the owner or operator shall submit to the Agency for approval a corrective action completion report in accordance with this Section.

(2) If any of the applicable indicator contaminants exceed the remediation objectives approved for the site, within 30 days after the Agency approves the site investigation completion report the owner or operator shall submit to the Agency for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the report shall include all of the following:

(A) Executive summary.

(B) Statement of remediation objectives.

(C) Remedial technologies selected.

(D) Confirmation sampling plan.

(E) Current and projected future use of the property.

(F) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(G) A schedule for implementation and completion of the plan.

(3) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a corrective action budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(4) Upon the Agency's approval of a corrective action plan, or as otherwise directed by the Agency, the owner or operator shall proceed with corrective action in accordance with the plan.

(5) Within 30 days after the completion of a corrective action plan that achieves applicable remediation objectives the owner or operator shall submit to the Agency for approval a corrective action completion report. The report shall demonstrate whether corrective action was completed in accordance with the approved corrective action plan and whether the remediation objectives approved for the site, as well as any other requirements of the plan, have been achieved.

(6) If within 4 years after the approval of any corrective action plan the applicable remediation objectives have not been achieved and the owner or operator has not submitted a corrective action completion report, the owner or operator must submit a status report for Agency

review. The status report must include, but is not limited to, a description of the remediation activities taken to date, the effectiveness of the method of remediation being used, the likelihood of meeting the applicable remediation objectives using the current method of remediation, and the date the applicable remediation objectives are expected to be achieved.

(7) If the Agency determines any approved corrective action plan will not achieve applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit to the Agency for approval a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator must also submit a revised budget.

(c) Agency review and approval.

(1) Agency approval of any plan and associated budget, as described in this subsection (c), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(2) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for purposes of this Title and rejected for purposes of payment from the Underground Storage Tank Fund.

(A) For purposes of those plans as identified in paragraph (5) of this subsection (c), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under Section 57.14. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(B) For purposes of corrective action plans submitted pursuant to subsection (b) of this Section for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under subsection (b) of this Section. In the event the Agency approved the plan, it shall proceed under the provisions of this subsection (c).

(3) In approving any plan submitted pursuant to subsection (a) or (b) of this Section, the Agency shall determine, by a procedure promulgated by the Board under Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of this Title.

(A) For purposes of payment from the Fund, corrective action activities required to meet the minimum requirements of this Title shall include, but not be limited to, the following use of the Board's Tiered Approach to Corrective Action Objectives rules adopted under Title XVII of this Act:

(i) For the site where the release occurred, the use of Tier 2 remediation objectives that are no more stringent than Tier 1 remediation objectives.

(ii) The use of industrial/commercial property remediation objectives, unless the owner or operator demonstrates that the property being remediated is residential property or being developed into residential property.

(iii) The use of groundwater ordinances as institutional controls in accordance with Board rules.

(iv) The use of on-site groundwater use restrictions as institutional controls in accordance with Board rules.

(B) Any bidding process adopted under Board rules to determine the reasonableness of costs of corrective action must provide for a publicly-noticed, competitive, and sealed bidding process that includes, at a minimum, the following:

(i) The owner or operator must issue invitations for bids that include, at a minimum, a description of the work being bid and applicable contractual terms and conditions. The criteria on which the bids will be evaluated must be set forth in the invitation for bids. The criteria may include, but shall not be limited to, criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measurable.

(ii) At least 14 days prior to the date set in the invitation for the opening of bids, public notice of the invitation for bids must be published in a local paper of general circulation for the area in which the site is located.

(iii) Bids must be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other

relevant information as specified in Board rules must be recorded and submitted to the Agency in the applicable budget. After selection of the winning bid, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(iv) Bids must be unconditionally accepted without alteration or correction. Bids must be evaluated based on the requirements set forth in the invitation for bids, which may include criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(v) Correction or withdrawal of inadvertently erroneous bids before or after selection of the winning bid, or cancellation of winning bids based on bid mistakes, shall be allowed in accordance with Board rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the owner or operator or fair competition shall be allowed. All decisions to allow the correction or withdrawal of bids based on bid mistakes shall be supported by a written determination made by the owner or operator.

(vi) The owner or operator shall select the winning bid with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. The winning bid and other relevant information as specified in Board rules must be recorded and submitted to the Agency in the applicable budget.

(vii) All bidding documentation must be retained by the owner or operator for a minimum of 3 years after the costs bid are submitted in an application for payment, except that documentation relating to an appeal, litigation, or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. All bidding documentation must be made available to the Agency for inspection and copying during normal business hours.

(C) Any bidding process adopted under Board rules to determine the reasonableness of costs of corrective action shall (i) be optional and (ii) allow bidding only if the owner or operator demonstrates that corrective action cannot be performed for amounts less than or equal to maximum payment amounts adopted by the Board.

(4) For any plan or report received after June 24, 2002, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a site investigation plan or corrective action plan for which payment is not being sought, within 120 days of receipt of the site investigation completion report or corrective action completion report, respectively, and shall be accompanied by:

(A) an explanation of the Sections of this Act which may be violated if the plans were approved;

(B) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;

(C) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(D) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(5) For purposes of this Title, the term "plan" shall include:

(A) Any site investigation plan submitted pursuant to subsection (a) of this Section;

(B) Any site investigation budget submitted pursuant to subsection (a) of this Section;

(C) Any corrective action plan submitted pursuant to subsection (b) of this Section; or

(D) Any corrective action plan budget submitted pursuant to subsection (b) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined

by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e) (1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct site investigation or corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of site investigation or corrective action which was necessary at the site along with the site investigation or corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(f) All investigations, plans, and reports conducted or prepared under this Section shall be conducted or prepared under the supervision of a licensed professional engineer and in accordance with the requirements of this Title.

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

(415 ILCS 5/57.9)

Sec. 57.9. Underground Storage Tank Fund; eligibility and deductibility.

(a) The Underground Storage Tank Fund shall be accessible by owners and operators who have a confirmed release from an underground storage tank or related tank system of a substance listed in this Section. The owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements of this Title are satisfied and:

(1) Neither the owner nor the operator is the United States Government.

(2) The tank does not contain fuel which is exempt from the Motor Fuel Tax Law.

(3) The costs were incurred as a result of a confirmed release of any of the following substances:

(A) "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law.

(B) Aviation fuel.

(C) Heating oil.

(D) Kerosene.

(E) Used oil which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law.

(4) The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act.

(5) The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.

(6) The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.

(7) The costs were associated with "corrective action" of this Act.

If the underground storage tank which experienced a release of a substance listed in this Section was installed after July 28, 1989, the owner or operator is eligible to access the Underground Storage Tank Fund if it is demonstrated to the Office of the State Fire Marshal the tank was installed and operated in accordance with Office of the State Fire Marshal regulatory requirements. Office of the State Fire Marshal certification is prima facie evidence the tank was installed pursuant to the Office of the State Fire Marshal regulatory requirements.

(b) For releases reported prior to the effective date of this amendatory Act of the 96th General Assembly, an ~~An~~ owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan and the Agency shall approve the payment of costs associated with corrective action after the application of a $10,000 deductible, except in the following situations:

(1) A deductible of $100,000 shall apply when none of the underground storage tanks were registered prior to July 28, 1989, except in the case of underground storage tanks used exclusively to store heating oil for consumptive use on the premises where stored and which serve other than farms or residential units, a deductible of $100,000 shall apply when none of these tanks were registered prior to July 1, 1992.

(2) A deductible of $50,000 shall apply if any of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release prior to July 28, 1989.

(3) A deductible of $15,000 shall apply when one or more, but not all, of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release on or after July 28, 1989.

For releases reported on or after the effective date of this amendatory Act of the 96th General Assembly, an owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan, and the Agency shall approve the payment of costs associated with corrective action after the application of a $5,000 deductible.

A deductible shall apply annually for each site at which costs were incurred under a claim submitted pursuant to this Title, except that if corrective action in response to an occurrence takes place over a period of more than one year, in subsequent years, no deductible shall apply for costs incurred in response to such occurrence.

(c) Eligibility and deductibility determinations shall be made by the Office of the State Fire Marshal.

(1) When an owner or operator reports a confirmed release of a regulated substance, the Office of the State Fire Marshal shall provide the owner or operator with an "Eligibility and Deductibility Determination" form. The form shall either be provided on-site or within 15 days of the Office of the State Fire Marshal receipt of notice indicating a confirmed release. The form shall request sufficient information to enable the Office of the State Fire Marshal to make a final determination as to owner or operator eligibility to access the Underground Storage Tank Fund pursuant to this Title and the appropriate deductible. The form shall be promulgated as a rule or regulation pursuant to the Illinois Administrative Procedure Act by the Office of the State Fire Marshal. Until such form is promulgated, the Office of State Fire Marshal shall use a form which generally conforms with this Act.

(2) Within 60 days of receipt of the "Eligibility and Deductibility Determination" form, the Office of the State Fire Marshal shall issue one letter enunciating the final eligibility and deductibility determination, and such determination or failure to act within the time prescribed shall be a final decision appealable to the Illinois Pollution Control Board.

(Source: P.A. 88-496.)

(415 ILCS 5/57.11)

Sec. 57.11. Underground Storage Tank Fund; creation.

(a) There is hereby created in the State Treasury a special fund to be known as the Underground Storage Tank Fund. There shall be deposited into the Underground Storage Tank Fund all monies received by the Office of the State Fire Marshal as fees for underground storage tanks under Sections 4 and 5 of the Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax Law. All amounts held in the Underground Storage Tank Fund shall be invested at interest by the State Treasurer. All income earned from the investments shall be deposited into the Underground Storage Tank Fund no less frequently than quarterly. Moneys in the Underground Storage Tank Fund, pursuant to appropriation, may be used by the Agency and the Office of the State Fire Marshal for the following purposes:

(1) To take action authorized under Section 57.12 to recover costs under Section 57.12.

(2) To assist in the reduction and mitigation of damage caused by leaks from underground storage tanks, including but not limited to, providing alternative water supplies to persons whose drinking water has become contaminated as a result of those leaks.

(3) To be used as a matching amount towards federal assistance relative to the release of petroleum from underground storage tanks.

(4) For the costs of administering activities of the Agency and the Office of the State Fire Marshal relative to the Underground Storage Tank Fund.

(5) For payment of costs of corrective action incurred by and indemnification to operators of underground storage tanks as provided in this Title.

(6) For a total of 2 demonstration projects in amounts in excess of a $10,000 deductible charge designed to assess the viability of corrective action projects at sites which have experienced contamination from petroleum releases. Such demonstration projects shall be conducted in accordance with the provision of this Title.

(7) Subject to appropriation, moneys in the Underground Storage Tank Fund may also be used by the Department of Revenue for the costs of administering its activities relative to the Fund and for refunds provided for in Section 13a.8 of the Motor Fuel Tax Act.

(b) Moneys in the Underground Storage Tank Fund may, pursuant to appropriation, be used by the Office of the State Fire Marshal or the Agency to take whatever emergency action is necessary or

appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of petroleum from an underground storage tank and for the costs of administering its activities relative to the Underground Storage Tank Fund.

(c) Beginning July 1, 1993, the Governor shall certify to the State Comptroller and State Treasurer the monthly amount necessary to pay debt service on State obligations issued pursuant to Section 6 of the General Obligation Bond Act. On the last day of each month, the Comptroller shall order transferred and the Treasurer shall transfer from the Underground Storage Tank Fund to the General Obligation Bond Retirement and Interest Fund the amount certified by the Governor, plus any cumulative deficiency in those transfers for prior months.

(d) Except as provided in subsection (c) of this Section, the Underground Storage Tank Fund is not subject to administrative charges authorized under Section 8h of the State Finance Act that would in any way transfer any funds from the Underground Storage Tank Fund into any other fund of the State.

(e) Each fiscal year, subject to appropriation, the Agency may commit up to $10,000,000 of the moneys in the Underground Storage Tank Fund to the payment of corrective action costs for legacy sites that meet one or more of the following criteria as a result of the underground storage tank release: (i) the presence of free product, (ii) contamination within a regulated recharge area, a wellhead protection area, or the setback zone of a potable water supply well, (iii) contamination extending beyond the boundaries of the site where the release occurred, or (iv) such other criteria as may be adopted in Agency rules.

(1) Fund moneys committed under this subsection (e) shall be held in the Fund for payment of the corrective action costs for which the moneys were committed.

(2) The Agency may adopt rules governing the commitment of Fund moneys under this subsection (e).

(3) This subsection (e) does not limit the use of Fund moneys at legacy sites as otherwise provided under this Title.

(4) For the purposes of this subsection (e), the term "legacy site" means a site for which (i) an underground storage tank release was reported prior to January 1, 2005, (ii) the owner or operator has been determined eligible to receive payment from the Fund for corrective action costs, and (iii) the Agency did not receive any applications for payment prior to January 1, 2010.

(Source: P.A. 96-34, eff. 7-13-09.)

(415 ILCS 5/57.13)

Sec. 57.13. Underground Storage Tank Program; transition. This Title applies to all underground storage tank releases for which a No Further Remediation Letter is issued on or after the effective date of this amendatory Act of the 96th General Assembly, provided that (i) costs incurred prior to the effective date of this amendatory Act shall be payable from the UST Fund in the same manner as allowed under the law in effect at the time the costs were incurred and (ii) releases for which corrective action was completed prior to the effective date of this amendatory Act shall be eligible for a No Further Remediation Letter in the same manner as allowed under the law in effect at the time the corrective action was completed.

~~(a) If a release is reported to the proper State authority on or after June 24, 2002, the owner or operator shall comply with the requirements of this Title.~~

~~(b) If a release is reported to the proper State authority prior to June 24, 2002, the owner or operator of an underground storage tank may elect to proceed in accordance with the requirements of this Title by submitting a written statement to the Agency of such election. If the owner or operator elects to proceed under the requirements of this Title all costs incurred in connection with the incident prior to notification shall be reimbursable in the same manner as was allowable under the then existing law. Completion of corrective action shall then follow the provisions of this Title.~~

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

(415 ILCS 5/57.18 new)

Sec. 57.18. Additional remedial action required by change in law; Agency's duty to propose amendment. If a change in State or federal law requires additional remedial action in response to releases for which No Further Remediation Letters have been issued, the Agency shall propose in the next convening of a regular session of the current General Assembly amendments to this Title to allow owners and operators to perform the additional remedial action and seek payment from the Fund for the costs of the action.

(415 ILCS 5/57.19 new)

Sec. 57.19. Costs incurred after the issuance of a No Further Remediation Letter. The following shall be considered corrective action activities eligible for payment from the Fund even when an owner or operator conducts these activities after the issuance of a No Further Remediation Letter. Corrective action conducted under this Section and costs incurred under this Section must comply with the

requirements of this Title and Board rules adopted under this Title.

(1) Corrective action to achieve residential property remediation objectives if the owner or operator demonstrates that property remediated to industrial/commercial property remediation objectives pursuant to subdivision (c)(3)(A)(ii) of Section 57.7 of this Act is being developed into residential property.

(2) Corrective action to address groundwater contamination if the owner or operator demonstrates that action is necessary because a groundwater ordinance used as an institutional control pursuant to subdivision (c)(3)(A)(iii) of Section 57.7 of this Act can no longer be used as an institutional control.

(3) Corrective action to address groundwater contamination if the owner or operator demonstrates that action is necessary because an on-site groundwater use restriction used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7 of this Act must be lifted in order to allow the installation of a potable water supply well due to public water supply service no longer being available for reasons other than an act or omission of the owner or operator.

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 J. Jones, **Senate Bill No. 3320**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS None.

The following voted in the affirmative:

Bivins	Garrett	Lauzen	Raoul
Bomke	Haine	Lightford	Righter
Bond	Harmon	Link	Risinger
Burzynski	Hendon	Luechtefeld	Sandoval
Clayborne	Holmes	Maloney	Schoenberg
Collins	Hultgren	McCarter	Steans
Crotty	Hunter	Millner	Sullivan
Dahl	Hutchinson	Muñoz	Syverson
Demuzio	Jones, E.	Murphy	Trotter
Dillard	Jones, J.	Noland	Wilhelmi
Duffy	Koehler	Pankau	Mr. President
Frerichs	Kotowski	Radogno	

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 Steans, **Senate Bill No. 3346** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment Nos. 2 and 3 were postponed in the Committee on Environment.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3346

AMENDMENT NO. _4_. Amend Senate Bill 3346, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Mercury Thermostat Collection Act.

Section 5. Legislative findings. The General Assembly finds that:

(1) many older thermostats used to activate heating and cooling equipment contain mercury as part of a tilt switch component in the thermostat;

(2) the total amount of mercury used in each of those thermostats averages about 4 grams;

(3) millions of mercury-containing thermostats are still in use in homes and businesses in the United States;

(4) mercury in those thermostats poses a risk to human health and the environment if those thermostats are not properly managed at the end of their useful life;

(5) the major thermostat manufacturers have established a voluntary program to facilitate the collection and proper management of mercury thermostats taken out of service;

(6) the annual average of mercury-containing thermostats collected for recycling in Illinois under the existing voluntary collection program from 2006 to 2008 was 4,433;

(7) thousands of mercury-containing thermostats are taken out of service annually in the State;

(8) it is in the public interest to achieve a significant increase in the collection and proper management of mercury thermostats taken out of service in the State.

Section 10. Definitions.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Collection program" means a system for the collection, transportation, recycling, and disposal of out-of-service mercury thermostats that is financed and managed or provided by a thermostat manufacturer individually or collectively with other thermostat manufacturers in accordance with this Act.

"Contractor" means a person engaged in the business of installation, service, or removal of heating, ventilation, and air-conditioning components.

"Mercury thermostat" means a thermostat that meets the definition of a "mercury thermostat" under subsection (f) of Section 22.23b of the Environmental Protection Act.

"Out-of-service mercury thermostat" means a mercury thermostat that is removed, replaced, or otherwise taken out of service.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or its legal representatives, agents, or assigns.

"Qualified contractor" means a person engaged in the business of installation, service, or removal of heating, ventilation, and air-conditioning components who employs 7 or more service technicians or installers or who is located in an area outside of an urban area, as defined by the United States Bureau of the Census.

"Qualified local government authorities" means household hazardous waste facilities, solid waste management agencies, environmental management agencies, or departments of public health.

"Thermostat manufacturer" means a person who owns or owned a name brand of one or more mercury thermostats sold in the State.

"Thermostat retailer" means a person who sells thermostats of any kind primarily to homeowners or other nonprofessionals through any sale or distribution mechanism, including, but not limited to, sales using the Internet or catalogs. A thermostat retailer that meets the definition of thermostat wholesaler shall be considered a thermostat wholesaler.

"Thermostat wholesaler" means a person who is engaged in the distribution and wholesale selling of heating, ventilation, and air-conditioning components, including, but not limited to, thermostats, to contractors, and whose total wholesale sales account for 80% or more of its total sales. A thermostat manufacturer, as defined in this Section, is not a thermostat wholesaler.

Section 15. Mercury thermostat collection programs.

(a) Each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, establish and maintain a collection program for the collection, transportation, and proper management of out-of-service mercury thermostats in accordance with the provisions of this Act.

(b) Each thermostat manufacturer shall, individually or collectively with other thermostat

manufacturers through a collection program, do the following:

(1) On and after January 1, 2011, compile a list of thermostat wholesalers in the State and offer each thermostat wholesaler containers for the collection of out-of-service mercury thermostats.

(2) On and after January 1, 2011, make collection containers available to all qualified contractors, thermostat wholesalers, thermostat retailers, and qualified local government authorities in this State that request a container. Each thermostat manufacturer shall with each container include information regarding the proper management of out-of-service mercury thermostats as universal waste in accordance with the collection program and Board's rules.

(3) Establish a system to collect, transport, and properly manage out-of-service mercury thermostats from all collection sites established under this Section.

(4) Not include any fees or other charges to persons participating in the program, except that each thermostat wholesaler, qualified contractor, qualified local government authority, or thermostat retailer that is provided with one or more collection containers may be charged a one-time program administration fee not to exceed $75 per collection container.

(5) From January 1, 2011, through December 31, 2013, conduct education and outreach efforts, including, but not limited to the following:

(A) create a public service announcement promoting collection and proper management of out-of-service mercury thermostats, copies of which shall be provided to the Agency;

(B) establish and maintain a publicly accessible website for the dissemination of educational materials to promote the collection of out-of-service mercury thermostats. This website shall include templates of the educational materials on the Internet website in a form and format that can be easily downloaded and printed. The link to this website shall be provided to the Agency;

(C) contact thermostat wholesalers at least once a year to encourage their support and participation in educating their customers on the importance of and statutory requirements for the collection and proper management of out-of-service mercury thermostats;

(D) develop and implement strategies to encourage participating thermostat retailers to educate their customers on the importance of and opportunities for collecting and recycling out-of-service mercury thermostats;

(E) create and maintain a web-based program that allows contractors and consumers to identify collection sites for out-of-service mercury thermostats by zip code in the State;

(F) prepare and mail to contractor associations a postcard or other notice that provides information on the collection program for out-of-service mercury thermostats; and

(G) develop informational articles, press releases, and news stories pertaining to the importance of and opportunities for collecting and recycling out-of-service mercury thermostats and distribute those materials to trade publications, local media, and stakeholder groups.

(6) On or before January 1, 2011, develop and update as necessary educational and other outreach materials for distribution to contractors, contractor associations, and consumers. Those materials shall be made available for use by participating thermostat wholesalers, thermostat retailers, contractors, and qualified local government authorities. The materials shall include, but not be limited to, the following:

(A) signage, such as posters and cling signage, that can be prominently displayed to promote the collection of out-of-service mercury thermostats to contractors and consumers; and

(B) written materials or templates of materials for reproduction by thermostat wholesalers and thermostat retailers to be provided to customers at the time of purchase or delivery of a thermostat. The materials shall include, but not be limited to, information on the importance of properly managing out-of-service mercury thermostats and opportunities for the collection of those thermostats.

(7) Provide an opportunity for the Agency and other interested stakeholders to offer feedback and suggestions on the collection program.

(c) If the collection programs do not collectively achieve the collection goals provided for in Section 25 of this Act for calendar year 2013, 2015 or 2017, thermostat manufacturers shall, individually or collectively, submit to the Agency for review and approval proposed revisions to the collection programs that are designed to achieve the goals in subsequent calendar years. The proposed revisions shall be submitted to the Agency with the annual report required in Section 20 of this Act.

(d) Within 90 days after receipt of the proposed collection program revisions required under subsection (c) of this Section, the Agency shall review and (i) approve, (ii) disapprove, or (iii) approve with modifications the proposed collection program revisions.

(1) The Agency shall approve proposed revisions if the Agency determines that the

revised collection programs will collectively achieve the collection goals set forth in Section 25 of this Act.

(2) If the Agency determines the revised collection programs will not collectively achieve the collection goals set forth in Section 25 of this Act, the Agency may require modifications to one or more collection programs that the Agency determines are necessary to achieve the collection goals. Modifications required by the Agency may include improvements to outreach and education conducted under the collection program, expansion of the number and location of collection sites established under the program, modification of the roles of participants, and a $5 financial incentive in the form of either cash or a coupon offered by the manufacturer to contractors and consumers for each out-of-service mercury thermostat returned to a collection site.

(3) Prior to issuing any decision under this subsection (d) the Agency shall consult with thermostat manufacturers and other interested groups.

(4) Thermostat manufacturers shall begin the process to implement collection program revisions approved by the Agency, with or without modifications, within 90 days after approval.

(5) If the program revisions are disapproved, the Agency shall notify the thermostat manufacturers in writing as to the reasons for the disapproval. The thermostat manufacturers shall have 35 days to submit a new collection program revision.

(6) Any action by the Agency to disapprove or modify proposed collection program revisions under this subsection (d) shall be subject to appeal to the Board in the same manner as provided for a permit decision under Section 40 of the Environmental Protection Act.

Section 20. Reporting on collection efforts.

(a) No later than September 1, 2011, and no later than September 1 of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit a mid-term report on its collection program to the Agency covering the six month period beginning on January 1st of the year in which the report is due. The mid-term report shall identify the number of out-of-service mercury thermostats collected under the program and a listing of all collection sites in the State.

(b) No later than April 1, 2012, and no later than April 1 of each year thereafter, each thermostat manufacturer shall, individually or collectively with other thermostat manufacturers, submit an annual report on its collection program to the Agency covering the one-year period ending December 31st of the previous year. Each report shall be posted on the manufacturer's or program operator's respective internet website. The annual report shall include, but not be limited to, the following:

(1) the number of out-of-service mercury thermostats collected and managed under this Act during the previous calendar year;

(2) the estimated total amount of mercury contained in the out-of-service mercury thermostats collected under this Act during the previous calendar year;

(3) an evaluation of the effectiveness of the collection program;

(4) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as mercury thermostat collection sites and the number of out-of-service mercury thermostats returned by each;

(5) an accounting of the program's administrative costs;

(6) a description of outreach strategies employed under item (5) of subsection (b) of Section 15 of this Act;

(7) examples of outreach and educational materials used under item (6) of subsection (b) of Section 15 of this Act;

(8) the Internet website address or addresses where the annual report may be viewed online;

(9) a description of how the out-of-service mercury thermostats were managed;

(10) any modifications that the thermostat manufacturer has made or is planning to make in its collection program; and

(11) the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact.

Section 25. Collection goals. The collection programs established by thermostat manufacturers under this Act shall be designed to collectively achieve the following statewide goals:

(a) For calendar year 2011, the collection of least 5,000 mercury thermostats taken out of service in

the State during the calendar year.

(b) For calendar years 2012, 2013, and 2014, the collection of at least 15,000 mercury thermostats taken out of service in the State during each calendar year.

(c) For calendar years 2015 through 2020, the collection goals shall be established by the Agency. The Agency shall establish collection goals no later than November 1, 2014. The collection goals established by the Agency shall maximize the annual collection of out-of-service mercury thermostats in the State. In developing the collection goals, the Agency shall take into account, at a minimum, (i) the effectiveness of collection programs for out-of-service mercury thermostats in the State and other states, including education and outreach efforts, (ii) collection requirements in other states, (iii) any reports or studies on the number of out-of-service mercury thermostats that are available for collection in this State, other states, and nationally, and (iv) other factors. Prior to establishing the collection goals, the Agency shall consult with stakeholder groups that include, at a minimum, representatives of thermostat manufacturers, environmental groups, thermostat wholesalers, contractors, and thermostat retailers.

(d) The collection goals established by the Agency under subsection (c) of this Section are statements of general applicability under Section 1-70 of the Administrative Procedures Act and shall be adopted in accordance with the procedures of that Act. Any person adversely affected by a goal established by the Agency under subsection (c) of this Section may obtain a determination of the validity or application of the goal by filing a petition for review within 35 days after the date the adopted goal is published in the Illinois Register pursuant to subsection (d) of Section 40 of the Administrative Procedures Act. Review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not the Circuit Court. During the pendency of the review, the goal under review shall remain in effect.

Section 30. Management of out-of-service mercury thermostats. All contractors, thermostat wholesalers, thermostat manufacturers, and thermostat retailers participating in the program shall handle and manage the out-of-service mercury thermostats in a manner that is consistent with the provisions of the universal waste regulations adopted by the Board.

Section 35. Thermostat wholesaler and contractor responsibilities.

(a) On and after July 1, 2011, no thermostat wholesaler shall sell, offer to sell, distribute, or offer to distribute thermostats unless the wholesaler:

(1) participates as a collection site for out-of-service mercury thermostats;

(2) uses the containers provided by the collection program to facilitate collection of out-of-service mercury thermostats by contractors;

(3) complies with the requirements of the collection program related to the acceptance of out-of-service mercury thermostats; and

(4) distributes to its customers the educational outreach materials developed under item (6) of subsection (b) of Section 15.

(b) On or after July 1, 2011, no contractor or other person shall remove, replace, or otherwise take out of service a mercury thermostat unless the contractor or person delivers it to a collection site established under this Act.

Section 40. Agency responsibilities.

(a) No later than June 1, 2011, the Agency shall maintain on its website information regarding the collection and proper management of out-of-service mercury thermostats in the State. The information shall include, but is not limited to, the following:

(1) a description of the collection programs established under this Act;

(2) a report on the progress towards achieving the statewide collection goals set forth in Section 25 of this Act; and

(3) a list of all thermostat wholesalers, contractors, qualified local government authorities, and thermostat retailers participating in the program as collection sites.

(b) No later than November 1, 2019, the Agency shall submit a written report to the Governor and General Assembly regarding the effectiveness of the collection programs established under this Act, information on the number of out-of-service thermostats collected, how the out-of-service thermostats were managed, and an estimate of the number of thermostats that are available for collection. The Agency shall use this information to recommend whether the sunset date specified in Section 55 for this Act should be extended, along with any other statutory changes. In preparing the report, the Agency shall consult with mercury thermostat manufacturers, environmental organizations, and other interest groups.

(c) In conjunction with the educational and outreach programs implemented by the thermostat manufacturers under this Act, the Agency shall conduct outreach to promote the collection and proper management of out-of-service mercury thermostats.

Section 45. Penalties.

(a) Any thermostat manufacturer that violates any provision of this Act or any rule adopted by the Agency pursuant to this Act, or that fails to perform any duty imposed by this Act shall be liable for a civil penalty not to exceed $2,500 per day for each violation. Each violation of this Act shall constitute a separate offense and violation.

(b) Any thermostat wholesaler, contractor, or other person that violates any provision of this Act, or any rule adopted by the Agency pursuant to this Act, or that fails to perform any duty imposed by this Act shall be liable for a civil penalty not to exceed $500 per day for each violation. Each violation of this Act shall constitute a separate offense and violation.

(c) The penalties provided for in this Section may be recovered in a civil action brought in the name of the people of the State of Illinois by the State's Attorney of the county in which the violation occurred or by the Attorney General. Any funds collected under this Section in an action in which the Attorney General has prevailed shall be deposited in the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Trust Fund Act.

(d) There shall be no penalty under this Section for a thermostat manufacturer's failure to achieve the statewide collection goals set forth in Section 25 of this Act.

Section 50. Disposal prohibition.

(a) Beginning July 1, 2011, no person may knowingly cause or allow the mixing of an out-of-service mercury thermostat with any other municipal waste that is intended for disposal at a sanitary landfill.

(b) Beginning July 1, 2011, no person may knowingly cause or allow the disposal of an out-of-service mercury thermostat in a sanitary landfill.

Section 55. Repealer. This Act is repealed on January 1, 2021.

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. 4 was 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 Steans, **Senate Bill No. 3346**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS None.

The following voted in the affirmative:

Bivins	Frerichs	Lauzen	Raoul
Bomke	Garrett	Lightford	Righter
Bond	Haine	Link	Risinger
Burzynski	Harmon	Luechtefeld	Sandoval
Clayborne	Hendon	Maloney	Schoenberg
Collins	Holmes	McCarter	Steans
Crotty	Hultgren	Millner	Sullivan
Dahl	Hunter	Muñoz	Syverson
Delgado	Hutchinson	Murphy	Trotter
Demuzio	Jones, E.	Noland	Wilhelmi

Dillard	Koehler	Pankau	Mr. President
Duffy	Kotowski	Radogno	

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.

On motion of Senator Steans, **Senate Bill No. 3348**, 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 44; NAY 1; Present 1.

The following voted in the affirmative:

Bivins	Haine	Link	Sandoval
Bomke	Harmon	Luechtefeld	Schoenberg
Bond	Hendon	Maloney	Steans
Burzynski	Holmes	McCarter	Sullivan
Clayborne	Hultgren	Millner	Syverson
Crotty	Hunter	Muñoz	Trotter
Dahl	Hutchinson	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	
Frerichs	Kotowski	Raoul	
Garrett	Lightford	Righter	

The following voted in the negative:

Lauzen

The following voted present:

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 Jones, E. III, **Senate Bill No. 3513** was recalled from the order of third reading to the order of second reading.

Senator Jones, E. III offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 3513

AMENDMENT NO. _4_. Amend Senate Bill 3513, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-905 as follows:
(705 ILCS 405/5-905)
Sec. 5-905. Law enforcement records.
(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law

enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested for any offense classified as a felony or a Class A or B misdemeanor.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(2.5) If the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.

(3) Relevant information, reports and records shall be made available to the Department of Juvenile Justice when a juvenile offender has been placed in the custody of the Department of Juvenile Justice.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 17 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor, then the court may order the disclosure of the information to the

victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor.

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in his or her official capacity and as provided by law or order of court.

(Source: P.A. 96-419, eff. 8-13-09.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 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 Jones, E. III, **Senate Bill No. 3513**, 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 48; NAYS None.

The following voted in the affirmative:

Bivins	Garrett	Lightford	Risinger
Bomke	Haine	Link	Sandoval
Bond	Harmon	Luechtefeld	Schoenberg
Burzynski	Hendon	Maloney	Steans
Clayborne	Holmes	McCarter	Sullivan
Collins	Hultgren	Millner	Syverson
Crotty	Hunter	Muñoz	Trotter
Dahl	Hutchinson	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	
Duffy	Kotowski	Raoul	
Frerichs	Lauzen	Righter	

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 Frerichs, **Senate Bill No. 3716** was recalled from the order of third reading to the order of second reading.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3716

AMENDMENT NO. 1. Amend Senate Bill 3716 on page 1, line 21, by replacing "6, 7," with "7".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 2 was postponed in the Committee on Transportation.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3716

AMENDMENT NO. 3. Amend Senate Bill 3716 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 15-117 as follows:

(625 ILCS 5/15-117 new)

Sec. 15-117. Global Positioning System Technology and the Designated Truck Route System Task Force.

(a) A Global Positioning System Technology and the Designated Truck Route System Task Force shall be appointed to study and make recommendations for statutory change.

(b) The Task Force shall study advances in and utilization of Global Positioning System (GPS) technology relating to routing information for commercial vehicles. The Task Force shall also study the implementation and compliance with the Designated Truck Route System under Section 15-116 of this Code.

(c) The Task Force shall be composed of the following members, who shall serve without pay:

(1) one member of the Senate appointed by the President of the Senate;

(2) one member of the Senate appointed by the Minority Leader of the Senate;

(3) one member of the House of Representatives appointed by the Speaker of the House of Representatives;

(4) one member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(5) the Secretary of the Illinois Department of Transportation or his or her designee;

(6) one member representing the global positioning system technology industry appointed by the President of the Senate;

(7) one member representing the commercial trucking industry appointed by the Minority Leader of the Senate;

(8) one member representing a unit of county government appointed by the Speaker of the House of Representatives; and

(9) one member representing a unit of municipal government appointed by the Minority Leader of the House of Representatives.

The members shall select a chairperson from among themselves.

(d) The Task Force shall meet within 60 days of the effective date of this amendatory Act of the 96th General Assembly and meet at least 2 additional times before December 31, 2010. Staff support services may be provided to the Task Force by the Illinois Department of Transportation and appropriate legislative staff.

(e) The Task Force shall submit to the Governor and General Assembly a report of its findings and recommendations for legislative action necessary to accomplish one or more of the following goals: (1) improving public traffic safety, (2) preserving roadway infrastructure, (3) addressing advances in GPS technology relating to truck routing, and (4) producing an accurate statewide designated truck route system through effective enforcement of Section 15-116 of this Code. The Task Force report must be submitted no later than January 1, 2011. The activities of the Task Force shall conclude no later than January 31, 2011.

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 Amendments numbered 1 and 3 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 Frerichs, **Senate Bill No. 3716**, 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 32; NAYS 14.

The following voted in the affirmative:

Bond	Harmon	Lightford	Steans
Clayborne	Hendon	Link	Sullivan
Collins	Holmes	Maloney	Trotter
Crotty	Hunter	Millner	Wilhelmi
Delgado	Hutchinson	Muñoz	Mr. President
Demuzio	Jones, E.	Noland	
Frerichs	Jones, J.	Raoul	
Garrett	Koehler	Sandoval	
Haine	Kotowski	Schoenberg	

The following voted in the negative:

Bivins	Dillard	Luechtefeld	Radogno
Bomke	Duffy	McCarter	Righter
Burzynski	Hultgren	Murphy	
Dahl	Lauzen	Pankau	

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.

On motion of Senator Collins, **Senate Bill No. 3781**, 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 46; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Righter
Bivins	Haine	Link	Risinger
Bomke	Harmon	Luechtefeld	Sandoval
Bond	Hendon	Maloney	Schoenberg
Collins	Holmes	McCarter	Steans
Crotty	Hultgren	Millner	Sullivan
Dahl	Hunter	Muñoz	Syverson
Delgado	Hutchinson	Murphy	Trotter
Demuzio	Jones, E.	Noland	Wilhelmi
Dillard	Jones, J.	Pankau	Mr. President
Duffy	Koehler	Radogno	
Frerichs	Kotowski	Raoul	

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.

REPORT FROM COMMITTEE ON ASSIGNMENTS

[April 15, 2010]

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 15, 2010 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **HOUSE BILL 4654**.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Althoff moved that **House Joint Resolution No. 107**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that House Joint Resolution No. 107 be adopted.

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

YEAS 45; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Kotowski	Risinger
Bivins	Garrett	Lightford	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	McCarter	Steans
Clayborne	Hendon	Millner	Sullivan
Collins	Holmes	Muñoz	Syverson
Crotty	Hultgren	Murphy	Trotter
Dahl	Hunter	Noland	Wilhelmi
Delgado	Hutchinson	Pankau	Mr. President
Demuzio	Jones, E.	Radogno	
Dillard	Jones, J.	Raoul	
Duffy	Koehler	Righter	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 732

Offered by Senator Haine and all Senators:

Mourns the death of Robert Lawrence Yancey of Godfrey.

SENATE RESOLUTION NO. 733

Offered by Senator Bond and all Senators:

Mourns the death of U.S. Army Sergeant Richard "Joe" Jordan, of Harrison Township, Michigan, formerly of Antioch.

SENATE RESOLUTION NO. 734

Offered by Senator Bond and all Senators:

Mourns the death of Mary Lou Gust of Beach Park.

SENATE RESOLUTION NO. 735

Offered by Senator Bond and all Senators:

Mourns the death of Arthur W. Halle of Wildwood.

SENATE RESOLUTION NO. 736

Offered by Senator Bond and all Senators:

Mourns the death of Ruthann B. Wilhelm of Grayslake.

SENATE RESOLUTION NO. 737

Offered by Senator Bond and all Senators:
Mourns the death of Mary Louise "Lou" Esparza of Gurnee.

SENATE RESOLUTION NO. 738

Offered by Senator Koehler and all Senators:
Mourns the death of James E. Peeples of Peoria.

SENATE RESOLUTION NO. 739

Offered by Senator McCarter and all Senators:
Mourns the death of Wilma D. Reedy of Lovington.

SENATE RESOLUTION NO. 740

Offered by Senators Wilhelmi – Koehler and all Senators:
Mourns the death of Charles E. Runkel of Springfield, formerly of Jacksonville.

SENATE RESOLUTION NO. 741

Offered by Senator Hendon and all Senators:
Mourns the death of Lucious Hunter.

SENATE RESOLUTION NO. 742

Offered by Senator Hutchinson and all Senators:
Mourns the death of Brian Colin "Boo" Carey.

SENATE RESOLUTION NO. 743

Offered by Senator Lauzen and all Senators:
Mourns the death of Joseph Francis Anlauf of Palos Verdes Estates, California, formerly of Oak Park and Chicago.

SENATE RESOLUTION NO. 744

Offered by Senator Althoff and all Senators:
Mourns the death of Harold J. Cross of Harvard.

SENATE RESOLUTION NO. 745

Offered by Senator Crotty and all Senators:
Mourns the death of Brian Colin "Boo" Carey.

SENATE RESOLUTION NO. 746

Offered by Senator Koehler and all Senators:
Mourns the death of Patricia R. "Patsy" Hranka, of Peoria.

SENATE RESOLUTION NO. 747

Offered by Senator Koehler and all Senators:
Mourns the death of J.M. "Sully" Sullivan of Peoria.

SENATE RESOLUTION NO. 748

Offered by Senator Koehler and all Senators:
Mourns the death of Michael B. Ryan of Peoria.

SENATE RESOLUTION NO. 749

Offered by Senator Haine and all Senators: :
Mourns the death of Helen C. Favier of Granite City.

SENATE RESOLUTION NO. 750

Offered by Senator Dillard and all Senators:
Mourns the death of John D. Purdy, formerly of Hinsdale.

SENATE RESOLUTION NO. 751

Offered by Senator Dillard and all Senators:
Mourns the death of Bill Hammond of Westmont.

SENATE RESOLUTION NO. 752

Offered by Senator Haine and all Senators:
Mourns the death of Dr. Terry Tyler Martinez of Collinsville.

SENATE RESOLUTION NO. 753

Offered by Senator Harmon and all Senators:
Mourns the death of Knox College Professor Emeritus of Economics and Business Administration Wilbur Fiske Pillsbury II.

SENATE RESOLUTION NO. 754

Offered by Senator Koehler and all Senators:
Mourns the death of Thomas Couri of East Peoria.

SENATE RESOLUTION NO. 756

Offered by Senator Viverito and all Senators:
Mourns the death of Arlene Marie Gaynor (nee, Byron) of Tinley Park.

SENATE RESOLUTION NO. 757

Offered by Senator Demuzio and all Senators:
Mourns the death of Robert J. Rhoads of Carlinville.

SENATE RESOLUTION NO. 759

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Joseph C. Bertino, Sr., of Joliet.

SENATE RESOLUTION NO. 760

Offered by Senator Murphy and all Senators:
Mourns the death of Antonia Krueger.

SENATE RESOLUTION NO. 761

Offered by Senator Luechtefeld and all Senators:
Mourns the death of Neal McGarry Bidwill of Broward County, Florida, formerly of Chicago.

SENATE JOINT RESOLUTION NO. 122

Offered by Senator Forby and all Senators:
Mourns the death of Carolyn W. Bradley of Junction.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Lightford offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 123

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 15, 2010, the Senate stands adjourned until Tuesday, April 20, 2010 at 12:00 o'clock noon, or until the call of the President; and the House of Representatives stands adjourned until Tuesday, April 20, 2010, at 12:30 P.M., or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

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

COMMUNICATION

ILLINOIS STATE SENATE
DON HARMON
ASSISTANT MAJORITY LEADER
STATE SENATOR · 39TH DISTRICT

April 15, 2010

The Honorable Jillayne Rock
Secretary of the Senate
Room 403 Capitol Building
Springfield, IL 62704

Madame Secretary:

Today, Senator Frerichs presented Senate Bill 2505 to the Senate. The bill provides the Illinois Finance Authority ("IFA") the power to purchase Special Service Area bonds and to accept assignments or pledges of SSA bonds and agreements relating to public and private Green Special Service Area projects.

Other lawyers in the law firm that employs me provide legal services to the IFA and clients engaged in transactions with the EFA. I do not believe that this representation presents a substantial threat to my independence of judgment. Nevertheless, I voted "present" on the bill I wish to disclose the representation to the Senate.

Sincerely,
s/Don Harmon

At the hour of 1:01 o'clock p.m., pursuant to **Senate Joint Resolution No. 123**, the Chair announced the Senate stand adjourned until Tuesday, April 20, 2010, at 12:00 o'clock noon, or until the call of the President.