SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

97TH LEGISLATIVE DAY

TUESDAY, MARCH 27, 2012

5:02 O'CLOCK P.M.

NO. 97
[March 27, 2012]

SENATE
Daily Journal Index
97th Legislative Day

The Senate met pursuant to adjournment.
Senator Donne Trotter, Chicago, Illinois, presiding.
Prayer by Pastor Brooks Wilson, South Side Christian Church, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 1, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, March 6, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, March 7, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, March 8, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Monday, March 26, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 2 to Senate Bill 1881

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. 1 to Senate Bill 410
Senate Floor Amendment No. 1 to Senate Bill 551
Senate Floor Amendment No. 1 to Senate Bill 2643
Senate Floor Amendment No. 1 to Senate Bill 2778
Senate Floor Amendment No. 2 to Senate Bill 3204
Senate Floor Amendment No. 2 to Senate Bill 3280
Senate Floor Amendment No. 3 to Senate Bill 3280
Senate Floor Amendment No. 4 to Senate Bill 3359

REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Bill No. 3616,** 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 Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2999

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

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

Senate Amendment No. 1 to Senate Bill 174
Senate Amendment No. 1 to Senate Bill 680
Senate Amendment No. 2 to Senate Bill 2934
Senate Amendment No. 2 to Senate Bill 3261
Senate Amendment No. 2 to Senate Bill 3614
Senate Amendment No. 2 to Senate Bill 3727

Senate Amendment No. 1 to Senate Resolution 546

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Bills Numbered 3803 and 3804,** 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 Silverstein, Chairperson of the Committee on Judiciary, to which was referred **Senate Bill No. 3677,** reported the same back with the recommendation that the bill do pass.

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

Senator Silverstein, Chairperson of the Committee on Judiciary, to which was referred **Senate Bill No. 3778,** 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 Silverstein, Chairperson of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2534
Senate Amendment No. 3 to Senate Bill 2545
Senate Amendment No. 3 to Senate Bill 2569
Senate Amendment No. 2 to Senate Bill 2897
Senate Amendment No. 1 to Senate Bill 3137
Senate Amendment No. 1 to Senate Bill 3204
Senate Amendment No. 1 to Senate Bill 3415
Senate Amendment No. 2 to Senate Bill 3572
Senate Amendment No. 3 to Senate Bill 3593
Senate Amendment No. 1 to Senate Bill 3602
Senate Amendment No. 1 to Senate Bill 3726
Senate Amendment No. 2 to Senate Bill 3764
Senate Amendment No. 2 to Senate Bill 3780
Senate Amendment No. 1 to Senate Bill 3810
Senate Amendment No. 2 to Senate Bill 3810
Senate Amendment No. 2 to Senate Bill 3813

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bill No. 3690,** reported the same back with the recommendation that the bill do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bill No. 3601,** 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 Hunter, Chairperson of the Committee on Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 278
Senate Amendment No. 1 to Senate Bill 281
Senate Amendment No. 1 to Senate Bill 820
Senate Amendment No. 2 to Senate Bill 1351
Senate Amendment No. 2 to Senate Bill 2578
Senate Amendment No. 1 to Senate Bill 3441
Senate Amendment No. 1 to Senate Bill 3517

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

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

Senate Amendment No. 1 to Senate Bill 967
Senate Amendment No. 1 to Senate Bill 968
Senate Amendment No. 1 to Senate Bill 3047
Senate Amendment No. 1 to Senate Bill 3318
Senate Amendment No. 2 to Senate Bill 3336
Senate Amendment No. 1 to Senate Bill 3384
Senate Amendment No. 1 to Senate Bill 3504
Senate Amendment No. 2 to Senate Bill 3505

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

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **Senate Bill No. 3362,** reported the same back with the recommendation that the bill do pass.

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

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 61,** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution No. 61** was placed on the Secretary's Desk.

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

Senate Amendment No. 1 to Senate Bill 636
Senate Amendment No. 1 to Senate Bill 638
Senate Amendment No. 1 to Senate Bill 639
Senate Amendment No. 2 to Senate Bill 3244
Senate Amendment No. 1 to Senate Bill 3259
Senate Amendment No. 1 to Senate Bill 3367
Senate Amendment No. 2 to Senate Bill 3374
Senate Amendment No. 2 to Senate Bill 3394

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bill No. 2888,** 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 Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2559
Senate Amendment No. 1 to Senate Bill 3258
Senate Amendment No. 2 to Senate Bill 3258
Senate Amendment No. 1 to Senate Bill 3349
Senate Amendment No. 3 to Senate Bill 3359
Senate Amendment No. 3 to Senate Bill 3638
Senate Amendment No. 1 to Senate Bill 3663
Senate Amendment No. 1 to Senate Bill 3665
Senate Amendment No. 1 to Senate Bill 3693
Senate Amendment No. 1 to Senate Bill 3701

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

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **Senate Bill No. 3280,** reported the same back with the recommendation that the bill do pass.

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

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **Senate Bill No. 3788,** 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 Garrett, Chairperson of the Committee on Environment, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 2867
Senate Amendment No. 4 to Senate Bill 2867
Senate Amendment No. 1 to Senate Bill 3442

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

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

Senate Amendment No. 1 to Senate Bill 547
Senate Amendment No. 1 to Senate Bill 548
Senate Amendment No. 1 to Senate Bill 549
Senate Amendment No. 1 to Senate Bill 2993
Senate Amendment No. 1 to Senate Bill 3183
Senate Amendment No. 2 to Senate Bill 3183
Senate Amendment No. 2 to Senate Bill 3184
Senate Amendment No. 2 to Senate Bill 3373

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

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

Senate Amendment No. 2 to Senate Bill 3695

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 538
Senate Amendment No. 1 to Senate Bill 3168
Senate Amendment No. 2 to Senate Bill 3396
Senate Amendment No. 3 to Senate Bill 3396

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

Senator Jones, E. III, Chairperson of the Committee on Commerce, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 3402

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

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

Senate Amendment No. 1 to Senate Bill 179
Senate Amendment No. 1 to Senate Bill 408
Senate Amendment No. 2 to Senate Bill 409
Senate Amendment No. 1 to Senate Bill 681
Senate Amendment No. 1 to Senate Bill 2980
Senate Amendment No. 1 to Senate Bill 3101
Senate Amendment No. 1 to Senate Bill 3252
Senate Amendment No. 1 to Senate Bill 3314
Senate Amendment No. 1 to Senate Bill 3366
Senate Amendment No. 1 to Senate Bill 3389
Senate Amendment No. 1 to Senate Bill 3676

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 3339, 3743 and 3812,** reported the same back with the recommendation that the bills do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 2530, 3338, 3450, 3669, 3680, 3681 and 3722,** 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 Harmon, 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 275
Senate Amendment No. 1 to Senate Bill 758
Senate Amendment No. 2 to Senate Bill 3146

Senate Amendment No. 2 to Senate Bill 3201
Senate Amendment No. 1 to Senate Bill 3399
Senate Amendment No. 2 to Senate Bill 3456

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

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

Senate Amendment No. 2 to Senate Bill 3171
Senate Amendment No. 2 to Senate Bill 3279
Senate Amendment No. 3 to Senate Bill 3513

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

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

Senate Amendment No. 1 to Senate Bill 679
Senate Amendment No. 1 to Senate Bill 2876
Senate Amendment No. 5 to Senate Bill 2877
Senate Amendment No. 6 to Senate Bill 2877

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bill No. 3689,** reported the same back with the recommendation that the bill do pass.

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bill No. 3724,** 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 Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 180
Senate Amendment No. 3 to Senate Bill 3245
Senate Amendment No. 1 to Senate Bill 3498
Senate Amendment No. 1 to Senate Bill 3682
Senate Amendment No. 1 to Senate Bill 3687
Senate Amendment No. 3 to Senate Bill 3694
Senate Amendment No. 1 to Senate Bill 3794

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

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **Senate Resolution No. 437,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 437** was placed on the Secretary's Desk.

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

Senate Amendment No. 1 to Senate Bill 553
Senate Amendment No. 4 to Senate Bill 2526
Senate Amendment No. 2 to Senate Bill 3170
Senate Amendment No. 2 to Senate Bill 3173
Senate Amendment No. 1 to Senate Bill 3573
Senate Amendment No. 2 to Senate Bill 3766
Senate Amendment No. 1 to Senate Bill 3811

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

Senator J. Collins, Chairperson of the Committee on Financial Institutions, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 3177
Senate Amendment No. 2 to Senate Bill 3243
Senate Amendment No. 1 to Senate Bill 3522
Senate Amendment No. 3 to Senate Bill 3523
Senate Amendment No. 1 to Senate Bill 3583
Senate Amendment No. 2 to Senate Bill 3583

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

Senator Harmon and Senator Althoff, Co-Chairpersons of the Committee on Procurement, to which was referred **Senate Bills Numbered 3296 and 3297,** 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 Harmon and Senator Althoff, Co-Chairpersons of the Committee on Procurement, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 3216
Senate Amendment No. 1 to Senate Bill 3659

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 685

Offered by Senator Clayborne and all Senators:
Mourns the death of Delores Winifred Storman Ray.

SENATE RESOLUTION NO. 686

Offered by Senator Clayborne and all Senators:
Mourns the death of Julia G. Beck Davenport.

SENATE RESOLUTION NO. 687

Offered by Senator Clayborne and all Senators:
Mourns the death of Vincent C. Gregory of East St. Louis.

SENATE RESOLUTION NO. 688

Offered by Senator Frerichs and all Senators:
Mourns the death of Raymond S. Timpone of Urbana.

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

MESSAGES FROM THE HOUSE

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

HOUSE BILL NO. 4126
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 4707
A bill for AN ACT concerning finance.
HOUSE BILL NO. 4983
A bill for AN ACT concerning State government.
HOUSE BILL NO. 5212
A bill for AN ACT concerning wages.
HOUSE BILL NO. 5288
A bill for AN ACT concerning liquor.
HOUSE BILL NO. 5789
A bill for AN ACT concerning State government.
Passed the House, March 26, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4126, 4707, 4983, 5212, 5288 and 5789** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mapes, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4526
A bill for AN ACT concerning safety.
Passed the House, March 26, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bill No. 4526** was taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 3825
A bill for AN ACT concerning business.
HOUSE BILL NO. 4573
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 4974
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5013
A bill for AN ACT concerning education.
HOUSE BILL NO. 5319
A bill for AN ACT concerning local government.
HOUSE BILL NO. 5587

A bill for AN ACT concerning government.

HOUSE BILL NO. 5730

A bill for AN ACT concerning police procedure.

Passed the House, March 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 3825, 4573, 4974, 5013, 5319, 5587 and 5730** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL NO. 4063

A bill for AN ACT concerning firearms.

HOUSE BILL NO. 4145

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4601

A bill for AN ACT concerning government.

HOUSE BILL NO. 4609

A bill for AN ACT concerning State government.

HOUSE BILL NO. 5187

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5632

A bill for AN ACT concerning employment.

HOUSE BILL NO. 5849

A bill for AN ACT concerning regulation.

Passed the House, March 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4063, 4145, 4601, 4609, 5187, 5632 and 5849** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL NO. 4510

A bill for AN ACT concerning State government.

HOUSE BILL NO. 4990

A bill for AN ACT concerning State government.

HOUSE BILL NO. 5547

A bill for AN ACT concerning revenue.

HOUSE BILL NO. 5656

A bill for AN ACT concerning finance.

Passed the House, March 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4510, 4990, 5547 and 5656** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL NO. 4559
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 4929
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5062
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 5178
A bill for AN ACT concerning safety.
HOUSE BILL NO. 5221
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 5752
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 5865
A bill for AN ACT concerning public employee benefits.
Passed the House, March 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4559, 4929, 5062, 5178, 5221, 5752 and 5865** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 4596
A bill for AN ACT concerning government.
HOUSE BILL NO. 5114
A bill for AN ACT concerning education.
HOUSE BILL NO. 5248
A bill for AN ACT concerning education.
HOUSE BILL NO. 5278
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5342
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 5528
A bill for AN ACT concerning safety.
Passed the House, March 27, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4596, 5114, 5248, 5278, 5342 and 5528** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4022, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4126, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4520, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4526, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4548, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4707, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4689, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4983, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4991, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5099, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5212, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5263, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5265, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5288, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5592, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5789, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5893, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Koehler, **Senate Bill No. 1351** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1351

AMENDMENT NO. __1__. Amend Senate Bill 1351 by replacing everything after the enacting clause with the following:

"Section 5. The Disabled Persons Rehabilitation Act is amended by changing Section 3 as follows:
(20 ILCS 2405/3) (from Ch. 23, par. 3434)
Sec. 3. Powers and duties. The Department shall have the powers and duties enumerated herein:
(a) To co-operate with the federal government in the administration of the provisions of the federal

Rehabilitation Act of 1973, as amended, of the Workforce Investment Act of 1998, and of the federal Social Security Act to the extent and in the manner provided in these Acts.

(b) To prescribe and supervise such courses of vocational training and provide such other services as may be necessary for the habilitation and rehabilitation of persons with one or more disabilities, including the administrative activities under subsection (e) of this Section, and to co-operate with State and local school authorities and other recognized agencies engaged in habilitation, rehabilitation and comprehensive rehabilitation services; and to cooperate with the Department of Children and Family Services regarding the care and education of children with one or more disabilities.

(c) (Blank).

(d) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) a statement of the existing condition of comprehensive rehabilitation services, habilitation and rehabilitation in the State; (2) a statement of suggestions and recommendations with reference to the development of comprehensive rehabilitation services, habilitation and rehabilitation in the State; and (3) an itemized statement of the amounts of money received from federal, State and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted.

(e) (Blank).

(f) To establish a program of services to prevent the unnecessary institutionalization of ~~persons with Alzheimer's disease and related disorders or~~ persons in need of long term care and who meet the criteria for blindness or disability ~~are established as blind or disabled~~ as defined by the Social Security Act, thereby enabling them to remain in their own homes ~~or other living arrangements~~. Such preventive services may include, but are not limited to, any or all of the following:

(1) personal assistant services ~~home health services~~;

(2) homemaker services ~~home nursing services~~;

(3) home-delivered meals ~~homemaker services~~;

(4) adult day care services ~~chore and housekeeping services~~;

(5) respite care ~~day care services~~;

(6) home modification or assistive equipment ~~home-delivered meals~~;

(7) home health services ~~education in self-care~~;

(8) electronic home response ~~personal care services~~;

(9) brain injury behavioral/cognitive services ~~adult day health services~~;

(10) brain injury habilitation ~~habilitation services~~;

(11) brain injury pre-vocational services ~~respite care~~; or

(12) brain injury supported employment ~~other nonmedical social services that may enable the person to become self-supporting~~.

The Department shall establish eligibility standards for such services taking into consideration the unique economic and social needs of the population for whom they are to be provided. ~~Such eligibility standards may be based on the recipient's ability to pay for services; provided, however, that any portion of a person's income that is equal to or less than the "protected income" level shall not be considered by the Department in determining eligibility. The "protected income" level shall be determined by the Department, shall never be less than the federal poverty standard, and shall be adjusted each year to reflect changes in the Consumer Price Index For All Urban Consumers as determined by the United States Department of Labor.~~ The standards must provide that a person may not have ~~not~~ more than the amount of ~~$10,000 in~~ assets established by the Department by rule to be eligible for the services ~~, and the Department may increase the asset limitation by rule. Additionally, in determining the amount and nature of services for which a person may qualify, consideration shall not be given to the value of cash, property or other assets held in the name of the person's spouse pursuant to a written agreement dividing marital property into equal but separate shares or pursuant to a transfer of the person's interest in a home to his spouse, provided that the spouse's share of the marital property is not made available to the person seeking such services~~.

The services shall be provided, as established by the Department by rule, to eligible persons to prevent unnecessary or premature institutionalization, to the extent that the cost of the services, together with the other personal maintenance expenses of the persons, are reasonably related to the standards established for care in a group facility appropriate to their condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Illinois Department on Aging.

Personal assistants shall be paid at a rate negotiated between the State and an exclusive representative of personal assistants under a collective bargaining agreement. In no case shall the Department pay

personal assistants an hourly wage that is less than the federal minimum wage. ~~care attendants shall be paid:~~

~~(i) A $5 per hour minimum rate beginning July 1, 1995.~~

~~(ii) A $5.30 per hour minimum rate beginning July 1, 1997.~~

~~(iii) A $5.40 per hour minimum rate beginning July 1, 1998.~~

Solely for the purposes of coverage under the Illinois Public Labor Relations Act (5 ILCS 315/), ~~personal care attendants and~~ personal assistants providing services under the Department's Home Services Program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 93rd General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of ~~personal care attendants and~~ personal assistants working under the Home Services Program concerning their terms and conditions of employment that are within the State's control. Nothing in this paragraph shall be understood to limit the right of the persons receiving services defined in this Section to hire and fire ~~personal care attendants and~~ personal assistants or supervise them within the limitations set by the Home Services Program. The State shall not be considered to be the employer of ~~personal care attendants and~~ personal assistants for any purposes not specifically provided in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal ~~care attendants and personal~~ assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

The Department shall execute, relative to ~~the~~ nursing home prescreening ~~project~~, as authorized by Section 4.03 of the Illinois Act on the Aging, written inter-agency agreements with the Department on Aging and the ~~Department of Public Aid (now~~ Department of Healthcare and Family Services~~)~~, to effect the ~~following: (i)~~ intake procedures and ~~common~~ eligibility criteria for those persons who may need long term care ~~are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped~~. On and after July 1, 1996, all nursing home prescreenings for individuals 18 through 59 years of age shall be conducted by the Department , or a designee of the Department.

~~The Department is authorized to establish a system of recipient cost sharing for services provided under this Section. The cost sharing shall be based upon the recipient's ability to pay for services, but in no case shall the recipient's share exceed the actual cost of the services provided. Protected income shall not be considered by the Department in its determination of the recipient's ability to pay a share of the cost of services. The level of cost sharing shall be adjusted each year to reflect changes in the "protected income" level. The Department shall deduct from the recipient's share of the cost of services any money expended by the recipient for disability related expenses.~~

To the extent permitted under the federal Social Security Act, the ~~The~~ Department, or the Department's authorized representative, may ~~shall~~ recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21, blind, or permanently and totally disabled. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

The Department shall submit ~~and the Department on Aging shall cooperate in the development and submission of~~ an annual report on programs and services provided under this Section. The ~~Such joint~~ report shall be filed with the Governor and the General Assembly on or before March 30 each year.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State

Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.

(g) To establish such subdivisions of the Department as shall be desirable and assign to the various subdivisions the responsibilities and duties placed upon the Department by law.

(h) To cooperate and enter into any necessary agreements with the Department of Employment Security for the provision of job placement and job referral services to clients of the Department, including job service registration of such clients with Illinois Employment Security offices and making job listings maintained by the Department of Employment Security available to such clients.

(i) To possess all powers reasonable and necessary for the exercise and administration of the powers, duties and responsibilities of the Department which are provided for by law.

(j) (Blank). ~~To establish a procedure whereby new providers of personal care attendant services shall submit vouchers to the State for payment two times during their first month of employment and one time per month thereafter. In no case shall the Department pay personal care attendants an hourly wage that is less than the federal minimum wage.~~

(k) (Blank). ~~To provide adequate notice to providers of chore and housekeeping services informing them that they are entitled to an interest payment on bills which are not promptly paid pursuant to Section 3 of the State Prompt Payment Act.~~

(l) To establish, operate and maintain a Statewide Housing Clearinghouse of information on available, government subsidized housing accessible to disabled persons and available privately owned housing accessible to disabled persons. The information shall include but not be limited to the location, rental requirements, access features and proximity to public transportation of available housing. The Clearinghouse shall consist of at least a computerized database for the storage and retrieval of information and a separate or shared toll free telephone number for use by those seeking information from the Clearinghouse. Department offices and personnel throughout the State shall also assist in the operation of the Statewide Housing Clearinghouse. Cooperation with local, State and federal housing managers shall be sought and extended in order to frequently and promptly update the Clearinghouse's information.

(m) To assure that the names and case records of persons who received or are receiving services from the Department, including persons receiving vocational rehabilitation, home services, or other services, and those attending one of the Department's schools or other supervised facility shall be confidential and not be open to the general public. Those case records and reports or the information contained in those records and reports shall be disclosed by the Director only to proper law enforcement officials, individuals authorized by a court, the General Assembly or any committee or commission of the General Assembly, and other persons and for reasons as the Director designates by rule. Disclosure by the Director may be only in accordance with other applicable law.

(Source: P.A. 94-252, eff. 1-1-06; 95-331, eff. 8-21-07.)

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

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1351

AMENDMENT NO. 2. Amend Senate Bill 1351, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 as follows:

on page 4, by replacing lines 10 through 14 with the following:

"~~States Department of Labor.~~ The standards must provide that a person may not have ~~not~~ more than $10,000 in assets to be eligible for the services, and the Department may increase the asset limitation by rule. If the asset limit has been increased by rule and the Department subsequently requires a decrease in the asset limitation, that authority shall be authorized by rule but the limitation shall not be less than $10,000. ~~Additionally, in determining the amount and~~".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2534** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2534

AMENDMENT NO. 1. Amend Senate Bill 2534 on page 19, line 12, by replacing "(h)" with "(g)".

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2534

AMENDMENT NO. 2. Amend Senate Bill 2534, by replacing lines 11 through 23 of page 1, all of page 2, and lines 1 through 12 of page 3 with the following:

"as a principal residence, or an incomplete structure if the real estate is zoned for residential development, where the structure is empty or otherwise uninhabited and the structure or lot is in need of maintenance, repair, or securing, and with respect to which one or more of the following conditions are shown to exist:

(1) all lawful business or construction operations have ceased for 6 months;

(2) it has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(3) no construction or legal repairs have commenced for 6 months;

(4) the doors or windows are smashed through, broken, unhinged, removed, or continuously unlocked;

(5) law enforcement officials have received at least one report of trespassers or vandalism or other illegal acts being committed at the property in the last 6 months;

(6) gas, electrical, or water services to the entire premises have been terminated; or

(7) there exists other evidence indicating a clear intent to abandon the property.

A property shall not be considered abandoned residential property if: (i) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and laws; (ii) there is a building occupied on a seasonal basis, but otherwise secure; (iii) there is a secure building on which there are bona fide rental or sale signs; (iv) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute; or (v) there is a building that is otherwise secure and in substantial compliance with all applicable ordinances, codes, regulations and laws."; and

by replacing lines 8 through 26 of page 15 and lines 1 through 4 of page 16 with the following:

"(f) The affidavit shall be signed by the mortgagee and shall state that, upon information and belief of the mortgagee after inspection by the mortgagee, the property is not occupied by any mortgagor or bona fide tenant as a principal residence, or the structure is empty or otherwise uninhabited and the structure or lot is in need of maintenance, repair, or securing, and there exists at least one of the conditions or circumstances listed in Section 15-1200.5, which shall be set forth in the affidavit. Photographic or other documentary evidence in support of the conditions or circumstances set forth in the affidavit shall be attached to the affidavit.

(g) Subject to subsection (h), at the hearing on the motion requesting an expedited judgment and sale, the court shall find that the property which is the subject of the foreclosure complaint is abandoned residential property if: (i) the property is not occupied by any mortgagor or bona fide tenant as a principal residence, or the structure is empty or otherwise uninhabited and the structure or lot is in need of maintenance, repair, or securing; and (ii) one or more of the conditions or circumstances described in Section 15-1200.5 apply.

(h) The court may not find at the hearing requesting an expedited judgment and sale that the property which is the subject of the foreclosure complaint is abandoned residential property if: (i) the mortgagor appears in the action before or at the hearing and objects to a finding of abandonment; (ii) a person other than the mortgagor appears at the hearing and presents evidence establishing to the satisfaction of the court that the mortgagor is working with, or making an attempt to work with, the mortgagee to modify the mortgage; or (iii) a person other than the mortgagor appears at the hearing and presents evidence establishing to the satisfaction of the court that the mortgagor has not abandoned the property.

(i) The court shall vacate an order issued pursuant to subsection (j) of this Section if the mortgagor appears in the action at any time prior to the court issuing an order confirming the sale pursuant to

subsection (b-3) of Section 15-1508 and presents evidence establishing to the satisfaction of the court that the mortgagor has not abandoned the property.

(j) At the hearing on the motion requesting an expedited"; and

on page 16, by replacing line 11 with the following:

"(k) The reinstatement period and redemption period for the"; and

On page 16, by replacing lines 16 through 18 with the following:

"(l) A mortgagee or its agent may enter an abandoned residential property at any time for the purpose of maintaining or securing the"; and

on page 16, by replacing line 25 with the following:

"(m) The mortgagee shall be responsible for repairs or other"; and

on page 17, by replacing line 4 with the following:

"(n) Upon confirmation of the sale held pursuant to Section"; and

on page 17, by replacing line 16 with the following:

"(o) No mortgagee shall be held liable for seeking a".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 2548** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2569** having been printed, was taken up, read by title a second time.

Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2569

AMENDMENT NO. _3__. Amend Senate Bill 2569 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 503 and 505 as follows:

(750 ILCS 5/503) (from Ch. 40, par. 503)

Sec. 503. Disposition of property.

(a) For purposes of this Act, "marital property" means all property acquired by either spouse subsequent to the marriage, except the following, which is known as "non-marital property":

(1) property acquired by gift, legacy or descent;

(2) property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, legacy or descent;

(3) property acquired by a spouse after a judgment of legal separation;

(4) property excluded by valid agreement of the parties;

(5) any judgment or property obtained by judgment awarded to a spouse from the other spouse;

(6) property acquired before the marriage;

(7) the increase in value of property acquired by a method listed in paragraphs (1) through (6) of this subsection, irrespective of whether the increase results from a contribution of marital property, non-marital property, the personal effort of a spouse, or otherwise, subject to the right of reimbursement provided in subsection (c) of this Section; and

(8) income from property acquired by a method listed in paragraphs (1) through (7) of this subsection if the income is not attributable to the personal effort of a spouse.

(b)(1) For purposes of distribution of property pursuant to this Section, all property acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of

marriage, including non-marital property transferred into some form of co-ownership between the spouses, is presumed to be marital property, regardless of whether title is held individually or by the spouses in some form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property was acquired by a method listed in subsection (a) of this Section.

(2) For purposes of distribution of property pursuant to this Section, all pension benefits (including pension benefits under the Illinois Pension Code) acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of the marriage are presumed to be marital property, regardless of which spouse participates in the pension plan. The presumption that these pension benefits are marital property is overcome by a showing that the pension benefits were acquired by a method listed in subsection (a) of this Section. The right to a division of pension benefits in just proportions under this Section is enforceable under Section 1-119 of the Illinois Pension Code.

The value of pension benefits in a retirement system subject to the Illinois Pension Code shall be determined in accordance with the valuation procedures established by the retirement system.

The recognition of pension benefits as marital property and the division of those benefits pursuant to a Qualified Illinois Domestic Relations Order shall not be deemed to be a diminishment, alienation, or impairment of those benefits. The division of pension benefits is an allocation of property in which each spouse has a species of common ownership.

(3) For purposes of distribution of property under this Section, all stock options granted to either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage, whether vested or non-vested or whether their value is ascertainable, are presumed to be marital property. This presumption of marital property is overcome by a showing that the stock options were acquired by a method listed in subsection (a) of this Section. The court shall allocate stock options between the parties at the time of the judgment of dissolution of marriage or declaration of invalidity of marriage recognizing that the value of the stock options may not be then determinable and that the actual division of the options may not occur until a future date. In making the allocation between the parties, the court shall consider, in addition to the factors set forth in subsection (d) of this Section, the following:

(i) All circumstances underlying the grant of the stock option including but not limited to whether the grant was for past, present, or future efforts, or any combination thereof.

(ii) The length of time from the grant of the option to the time the option is exercisable.

(b-5) As to any policy of life insurance insuring the life of either spouse, or any interest in such policy, that constitutes marital property, whether whole life, term life, group term life, universal life, or other form of life insurance policy, and whether or not the value is ascertainable, the court shall allocate ownership, death benefits or the right to assign death benefits, and the obligation for premium payments, if any, equitably between the parties at the time of the judgment for dissolution or declaration of invalidity of marriage.

(c) Commingled marital and non-marital property shall be treated in the following manner, unless otherwise agreed by the spouses:

(1) When marital and non-marital property are commingled by contributing one estate of property into another resulting in a loss of identity of the contributed property, the classification of the contributed property is transmuted to the estate receiving the contribution, subject to the provisions of paragraph (2) of this subsection; provided that if marital and non-marital property are commingled into newly acquired property resulting in a loss of identity of the contributing estates, the commingled property shall be deemed transmuted to marital property, subject to the provisions of paragraph (2) of this subsection.

(2) When one estate of property makes a contribution to another estate of property, or when a spouse contributes personal effort to non-marital property, the contributing estate shall be reimbursed from the estate receiving the contribution notwithstanding any transmutation; provided, that no such reimbursement shall be made with respect to a contribution which is not retraceable by clear and convincing evidence, or was a gift, or, in the case of a contribution of personal effort of a spouse to non-marital property, unless the effort is significant and results in substantial appreciation of the non-marital property. Personal effort of a spouse shall be deemed a contribution by the marital estate. The court may provide for reimbursement out of the marital property to be divided or by imposing a lien against the non-marital property which received the contribution.

(d) In a proceeding for dissolution of marriage or declaration of invalidity of marriage, or in a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court

shall assign each spouse's non-marital property to that spouse. It also shall divide the marital property without regard to marital misconduct in just proportions considering all relevant factors, including:

(1) the contribution of each party to the acquisition, preservation, or increase or decrease in value of the marital or non-marital property, including (i) any such decrease attributable to a payment deemed to have been an advance from the parties' marital estate under subsection (c-1)(2) of Section 501 and (ii) the contribution of a spouse as a homemaker or to the family unit;

(2) the dissipation by each party of the marital or non-marital property, provided that a party's claim of dissipation is subject to the following conditions: ~~;~~

(i) a notice of intent to claim dissipation shall be given no later than 60 days before trial or 30 days after discovery closes, whichever is later;

(ii) the notice of intent to claim dissipation shall contain, at a minimum, a date or period of time during which the marriage began undergoing an irretrievable breakdown, an identification of the property dissipated, and a date or period of time during which the dissipation occurred;

(iii) the notice of intent to claim dissipation shall be filed with the clerk of the court and be served pursuant to applicable rules;

(iv) no dissipation shall be deemed to have occurred prior to 5 years before the filing of the petition for dissolution of marriage, or 3 years after the party claiming dissipation knew or should have known of the dissipation;

(3) the value of the property assigned to each spouse;

(4) the duration of the marriage;

(5) the relevant economic circumstances of each spouse when the division of property is to become effective, including the desirability of awarding the family home, or the right to live therein for reasonable periods, to the spouse having custody of the children;

(6) any obligations and rights arising from a prior marriage of either party;

(7) any antenuptial agreement of the parties;

(8) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties;

(9) the custodial provisions for any children;

(10) whether the apportionment is in lieu of or in addition to maintenance;

(11) the reasonable opportunity of each spouse for future acquisition of capital assets and income; and

(12) the tax consequences of the property division upon the respective economic circumstances of the parties.

(e) Each spouse has a species of common ownership in the marital property which vests at the time dissolution proceedings are commenced and continues only during the pendency of the action. Any such interest in marital property shall not encumber that property so as to restrict its transfer, assignment or conveyance by the title holder unless such title holder is specifically enjoined from making such transfer, assignment or conveyance.

(f) In a proceeding for dissolution of marriage or declaration of invalidity of marriage or in a proceeding for disposition of property following dissolution of marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court, in determining the value of the marital and non-marital property for purposes of dividing the property, shall value the property as of the date of trial or some other date as close to the date of trial as is practicable.

(g) The court if necessary to protect and promote the best interests of the children may set aside a portion of the jointly or separately held estates of the parties in a separate fund or trust for the support, maintenance, education, physical and mental health, and general welfare of any minor, dependent, or incompetent child of the parties. In making a determination under this subsection, the court may consider, among other things, the conviction of a party of any of the offenses set forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 if the victim is a child of one or both of the parties, and there is a need for, and cost of, care, healing and counseling for the child who is the victim of the crime.

(h) Unless specifically directed by a reviewing court, or upon good cause shown, the court shall not on remand consider any increase or decrease in the value of any "marital" or "non-marital" property occurring since the assessment of such property at the original trial or hearing, but shall use only that assessment made at the original trial or hearing.

(i) The court may make such judgments affecting the marital property as may be just and may enforce such judgments by ordering a sale of marital property, with proceeds therefrom to be applied as determined by the court.

(j) After proofs have closed in the final hearing on all other issues between the parties (or in conjunction with the final hearing, if all parties so stipulate) and before judgment is entered, a party's petition for contribution to fees and costs incurred in the proceeding shall be heard and decided, in accordance with the following provisions:

(1) A petition for contribution, if not filed before the final hearing on other issues between the parties, shall be filed no later than 30 days after the closing of proofs in the final hearing or within such other period as the court orders.

(2) Any award of contribution to one party from the other party shall be based on the criteria for division of marital property under this Section 503 and, if maintenance has been awarded, on the criteria for an award of maintenance under Section 504.

(3) The filing of a petition for contribution shall not be deemed to constitute a waiver of the attorney-client privilege between the petitioning party and current or former counsel; and such a waiver shall not constitute a prerequisite to a hearing for contribution. If either party's presentation on contribution, however, includes evidence within the scope of the attorney-client privilege, the disclosure or disclosures shall be narrowly construed and shall not be deemed by the court to constitute a general waiver of the privilege as to matters beyond the scope of the presentation.

(4) No finding on which a contribution award is based or denied shall be asserted against counsel or former counsel for purposes of any hearing under subsection (c) or (e) of Section 508.

(5) A contribution award (payable to either the petitioning party or the party's counsel, or jointly, as the court determines) may be in the form of either a set dollar amount or a percentage of fees and costs (or a portion of fees and costs) to be subsequently agreed upon by the petitioning party and counsel or, alternatively, thereafter determined in a hearing pursuant to subsection (c) of Section 508 or previously or thereafter determined in an independent proceeding under subsection (e) of Section 508.

(6) The changes to this Section 503 made by this amendatory Act of 1996 apply to cases pending on or after June 1, 1997, except as otherwise provided in Section 508.

The changes made to this Section by this amendatory Act of the 97th General Assembly apply only to petitions for dissolution of marriage filed on or after the effective date of this amendatory Act of the 97th General Assembly.

(Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10; 96-1551, Article 1, Section 985, eff. 7-1-11; 96-1551, Article 2, Section 1100, eff. 7-1-11; 97-608, eff. 1-1-12; revised 9-26-11.)

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court that ~~which~~ lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for the support of the child ~~his support~~, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary educational, physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

(2) The above guidelines shall be applied in each case unless the court finds that a deviation from the guidelines is appropriate after considering the best interest of the child in light of the evidence, including, but not limited to, ~~makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to~~ one or

more of the following relevant factors:

(a) the financial resources and needs of the child;

(b) the financial resources and needs of the custodial parent;

(c) the standard of living the child would have enjoyed had the marriage not been dissolved;

(d) the physical, mental, and emotional needs ~~condition~~ of the child~~, and his educational needs~~; ~~and~~

(d-5) the educational needs of the child; and

(e) the financial resources and needs of the non-custodial parent.

If the court deviates from the guidelines, the court's finding shall state the amount of support that would have been required under the guidelines, if determinable. The court shall include the reason or reasons for the variance from the guidelines.

(2.5) The court, in its discretion, in addition to setting child support pursuant to the guidelines and factors, may order either or both parents owing a duty of support to a child of the marriage to contribute to the following expenses, if determined by the court to be reasonable:

(a) health needs not covered by insurance;

(b) child care;

(c) education; and

(d) extracurricular activities.

(3) "Net income" is defined as the total of all income from all sources, minus the following deductions:

(a) Federal income tax (properly calculated withholding or estimated payments);

(b) State income tax (properly calculated withholding or estimated payments);

(c) Social Security (FICA payments);

(d) Mandatory retirement contributions required by law or as a condition of employment;

(e) Union dues;

(f) Dependent and individual health/hospitalization insurance premiums and life insurance premiums for life insurance ordered by the court to reasonably secure child support or support ordered pursuant to Section 513, any such order to entail provisions on which the parties agree or, otherwise, in accordance with the limitations set forth in subsection 504(f)(1) and (2);

(g) Prior obligations of support or maintenance actually paid pursuant to a court order;

(h) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period;

(i) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.

(4) In cases where the court order provides for health/hospitalization insurance coverage pursuant to Section 505.2 of this Act, the premiums for that insurance, or that portion of the premiums for which the supporting party is responsible in the case of insurance provided through an employer's health insurance plan where the employer pays a portion of the premiums, shall be subtracted from net income in determining the minimum amount of support to be ordered.

(4.5) In a proceeding for child support following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, and in which the court is requiring payment of support for the period before the date an order for current support is entered, there is a rebuttable presumption that the supporting party's net income for the prior period was the same as his or her net income at the time the order for current support is entered.

(5) If the net income cannot be determined because of default or any other reason, the court shall order support in an amount considered reasonable in the particular case. The final order in all cases shall state the support level in dollar amounts. However, if the court finds that the child support amount cannot be expressed exclusively as a dollar amount because all or a portion of the payor's net income is uncertain as to source, time of payment, or amount, the court may order a percentage amount of support in addition to a specific dollar amount and enter such other orders as may be necessary to determine and enforce, on a timely basis, the applicable support ordered.

(6) If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(a-5) In an action to enforce an order for support based on the respondent's failure to make support payments as required by the order, notice of proceedings to hold the respondent in contempt for that failure may be served on the respondent by personal service or by regular mail addressed to the respondent's last known address. The respondent's last known address may be determined from records of the clerk of the court, from the Federal Case Registry of Child Support Orders, or by any other reasonable means.

(b) Failure of either parent to comply with an order to pay support shall be punishable as in other cases of contempt. In addition to other penalties provided by law the Court may, after finding the parent guilty of contempt, order that the parent be:

(1) placed on probation with such conditions of probation as the Court deems advisable;

(2) sentenced to periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:

(A) work; or

(B) conduct a business or other self-employed occupation.

The Court may further order any part or all of the earnings of a parent during a sentence of periodic imprisonment paid to the Clerk of the Circuit Court or to the parent having custody or to the guardian having custody of the children of the sentenced parent for the support of said children until further order of the Court.

If there is a unity of interest and ownership sufficient to render no financial separation between a non-custodial parent and another person or persons or business entity, the court may pierce the ownership veil of the person, persons, or business entity to discover assets of the non-custodial parent held in the name of that person, those persons, or that business entity. The following circumstances are sufficient to authorize a court to order discovery of the assets of a person, persons, or business entity and to compel the application of any discovered assets toward payment on the judgment for support:

(1) the non-custodial parent and the person, persons, or business entity maintain records together.

(2) the non-custodial parent and the person, persons, or business entity fail to maintain an arm's ~~arms~~ length relationship between themselves with regard to any assets.

(3) the non-custodial parent transfers assets to the person, persons, or business entity with the intent to perpetrate a fraud on the custodial parent.

With respect to assets which are real property, no order entered under this paragraph shall affect the rights of bona fide purchasers, mortgagees, judgment creditors, or other lien holders who acquire their interests in the property prior to the time a notice of lis pendens pursuant to the Code of Civil Procedure or a copy of the order is placed of record in the office of the recorder of deeds for the county in which the real property is located.

The court may also order in cases where the parent is 90 days or more delinquent in payment of support or has been adjudicated in arrears in an amount equal to 90 days obligation or more, that the parent's Illinois driving privileges be suspended until the court determines that the parent is in compliance with the order of support. The court may also order that the parent be issued a family financial responsibility driving permit that would allow limited driving privileges for employment and medical purposes in accordance with Section 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit court shall certify the order suspending the driving privileges of the parent or granting the issuance of a family financial responsibility driving permit to the Secretary of State on forms prescribed by the Secretary. Upon receipt of the authenticated documents, the Secretary of State shall suspend the parent's driving privileges until further order of the court and shall, if ordered by the court, subject to the provisions of Section 7-702.1 of the Illinois Vehicle Code, issue a family financial responsibility driving permit to the parent.

In addition to the penalties or punishment that may be imposed under this Section, any person whose conduct constitutes a violation of Section 15 of the Non-Support Punishment Act may be prosecuted under that Act, and a person convicted under that Act may be sentenced in accordance with that Act. The sentence may include but need not be limited to a requirement that the person perform community

service under Section 50 of that Act or participate in a work alternative program under Section 50 of that Act. A person may not be required to participate in a work alternative program under Section 50 of that Act if the person is currently participating in a work program pursuant to Section 505.1 of this Act.

A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(c) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(d) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each such judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each such judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. Notwithstanding any other State or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(e) When child support is to be paid through the clerk of the court in a county of 1,000,000 inhabitants or less, the order shall direct the obligor to pay to the clerk, in addition to the child support payments, all fees imposed by the county board under paragraph (3) of subsection (u) of Section 27.1 of the Clerks of Courts Act. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk.

(f) All orders for support, when entered or modified, shall include a provision requiring the obligor to notify the court and, in cases in which a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, the Department of Healthcare and Family Services, within 7 days, (i) of the name and address of any new employer of the obligor, (ii) whether the obligor has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(g) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(g-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the

Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of this Act.

(h) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a child, or both, would be seriously endangered by disclosure of the party's address.

(i) The court does not lose the powers of contempt, driver's license suspension, or other child support enforcement mechanisms, including, but not limited to, criminal prosecution as set forth in this Act, upon the emancipation of the minor child or children.

(Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11; 97-608, eff. 1-1-12; revised 10-4-11.)".

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.

On motion of Senator Crotty, **Senate Bill No. 2578** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2578

AMENDMENT NO. 1. Amend Senate Bill 2578 by replacing everything after the enacting clause with the following:

"Section 5. The Children's Health Insurance Program Act is amended by changing Section 23 as follows:

(215 ILCS 106/23)

Sec. 23. Care coordination.

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

(b) Payment for such coordinated care shall be based on arrangements where the State pays for performance related to health care outcomes, the use of evidence-based practices, the use of primary care delivered through comprehensive medical homes, the use of electronic medical records, and the appropriate exchange of health information electronically made either on a capitated basis in which a

fixed monthly premium per recipient is paid and full financial risk is assumed for the delivery of services, or through other risk-based payment arrangements.

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

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

(Source: P.A. 96-1501, eff. 1-25-11.)

Section 10. The Covering ALL KIDS Health Insurance Act is amended by changing Section 56 as follows:

(215 ILCS 170/56)

(Section scheduled to be repealed on July 1, 2016)

Sec. 56. Care coordination.

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

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

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

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

(Source: P.A. 96-1501, eff. 1-25-11.)

Section 15. The Illinois Public Aid Code is amended by changing Section 5-30 as follows:

(305 ILCS 5/5-30)

Sec. 5-30. Care coordination.

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

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

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

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

(Source: P.A. 96-1501, eff. 1-25-11.)".

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2578

AMENDMENT NO. 2. Amend Senate Bill 2578, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 1-10 as follows:

(20 ILCS 301/1-10)

Sec. 1-10. Definitions. As used in this Act, unless the context clearly indicates otherwise, the following words and terms have the following meanings:

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act.

"Addict" means a person who exhibits the disease known as "addiction".

"Addiction" means a disease process characterized by the continued use of a specific psycho-active substance despite physical, psychological or social harm. The term also describes the advanced stages of chemical dependency.

"Administrator" means a person responsible for administration of a program.

"Alcoholic" means a person who exhibits the disease known as "alcoholism".

"Alcoholism" means a chronic and progressive disease or illness characterized by preoccupation with and loss of control over the consumption of alcohol, and the use of alcohol despite adverse consequences. Typically, combinations of the following tendencies are also present: periodic or chronic intoxication; physical disability; impaired emotional, occupational or social adjustment; tendency toward relapse; a detrimental effect on the individual, his family and society; psychological dependence; and

physical dependence. Alcoholism is also known as addiction to alcohol. Alcoholism is described and further categorized in clinical detail in the DSM and the ICD.

"Array of services" means assistance to individuals, families and communities in response to alcohol or other drug abuse or dependency. The array of services includes, but is not limited to: prevention assistance for communities and schools; case finding, assessment and intervention to help individuals stop abusing alcohol or other drugs; a uniform screening, assessment, and evaluation process for substance use disorders and mental disorders; case management; detoxification to aid individuals in physically withdrawing from alcohol or other drugs; short-term and long-term treatment and support services to help individuals and family members begin the process of recovery; prescription and dispensing of the drug methadone or other medications as an adjunct to treatment; relapse prevention services; education and counseling for children or other co-dependents of alcoholics or other drug abusers or addicts.

"Case management" means those services which will assist individuals in gaining access to needed social, educational, medical, treatment and other services.

"Children of alcoholics or drug addicts or abusers of alcohol and other drugs" means the minor or adult children of individuals who have abused or been dependent upon alcohol or other drugs. These children may or may not become dependent upon alcohol or other drugs themselves; however, they are physically, psychologically, and behaviorally at high risk of developing the illness. Children of alcoholics and other drug abusers experience emotional and other problems, and benefit from prevention and treatment services provided by funded and non-funded agencies licensed by the Department.

"Co-dependents" means individuals who are involved in the lives of and are affected by people who are dependent upon alcohol and other drugs. Co-dependents compulsively engage in behaviors that cause them to suffer adverse physical, emotional, familial, social, behavioral, vocational, and legal consequences as they attempt to cope with the alcohol or drug dependent person. People who become co-dependents include spouses, parents, siblings, and friends of alcohol or drug dependent people. Co-dependents benefit from prevention and treatment services provided by agencies licensed by the Department.

"Controlled substance" means any substance or immediate precursor which is enumerated in the schedules of Article II of the Illinois Controlled Substances Act or the Cannabis Control Act.

"Crime of violence" means any of the following crimes: murder, voluntary manslaughter, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, armed robbery, robbery, arson, kidnapping, aggravated battery, aggravated arson, or any other felony which involves the use or threat of physical force or violence against another individual.

"Department" means the Illinois Department of Human Services as successor to the former Department of Alcoholism and Substance Abuse.

"Designated program" means a program designated by the Department to provide services described in subsection (c) or (d) of Section 15-10 of this Act. A designated program's primary function is screening, assessing, referring and tracking clients identified by the criminal justice system, and the program agrees to apply statewide the standards, uniform criteria and procedures established by the Department pursuant to such designation.

"Detoxification" means the process of allowing an individual to safely withdraw from a drug in a controlled environment.

"DSM" means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders.

"D.U.I." means driving under the influence of alcohol or other substances which may cause impairment of driving ability.

"Facility" means the building or premises which are used for the provision of licensable program services, including support services, as set forth by rule.

"ICD" means the most current edition of the International Classification of Diseases.

"Incapacitated" means that a person is unconscious or otherwise exhibits, by overt behavior or by extreme physical debilitation, an inability to care for his own needs or to recognize the obvious danger of his situation or to make rational decisions with respect to his need for treatment.

"Intermediary person" means a person with expertise relative to addiction, alcoholism, and the abuse of alcohol or other drugs who may be called on to assist the police in carrying out enforcement or other activities with respect to persons who abuse or are dependent on alcohol or other drugs.

"Intervention" means readily accessible activities which assist individuals and their partners or family members in coping with the immediate problems of alcohol and other drug abuse or dependency, and in reducing their alcohol and other drug use. Intervention can facilitate emotional and social stability, and involves referring people for further treatment as needed.

"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as

a result of the current effects of alcohol or other drugs within the body.

"Local advisory council" means an alcohol and substance abuse body established in a county, township or community area, which represents public and private entities having an interest in the prevention and treatment of alcoholism or other drug abuse.

"Off-site services" means licensable program services or activities which are conducted at a location separate from the primary service location of the provider, and which services are operated by a program or entity licensed under this Act.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Prevention" means an interactive process of individuals, families, schools, religious organizations, communities and regional, state and national organizations to reduce alcoholism, prevent the use of illegal drugs and the abuse of legal drugs by persons of all ages, prevent the use of alcohol by minors, build the capacities of individuals and systems, and promote healthy environments, lifestyles and behaviors.

"Program" means a licensable or fundable activity or service, or a coordinated range of such activities or services, as the Department may establish by rule.

"Recovery" means the long-term, often life-long, process in which an addicted person changes the way in which he makes decisions and establishes personal and life priorities. The evolution of this decision-making and priority-setting process is generally manifested by an obvious improvement in the individual's life and lifestyle and by his overcoming the abuse of or dependence on alcohol or other drugs. Recovery is also generally manifested by prolonged periods of abstinence from addictive chemicals which are not medically supervised. Recovery is the goal of treatment.

"Rehabilitation" means a process whereby those clinical services necessary and appropriate for improving an individual's life and lifestyle and for overcoming his or her abuse of or dependency upon alcohol or other drugs, or both, are delivered in an appropriate setting and manner as defined in rules established by the Department.

"Relapse" means a process which is manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction or alcoholism.

"Secretary" means the Secretary of Human Services or his or her designee.

"Substance abuse" or "abuse" means a pattern of use of alcohol or other drugs with the potential of leading to immediate functional problems or to alcoholism or other drug dependency, or to the use of alcohol and/or other drugs solely for purposes of intoxication. The term also means the use of illegal drugs by persons of any age, and the use of alcohol by persons under the age of 21.

"Treatment" means the broad range of emergency, outpatient, intermediate and residential services and care (including assessment, diagnosis, medical, psychiatric, psychological and social services, care and counseling, and aftercare) which may be extended to individuals who abuse or are dependent on alcohol or other drugs or families of those persons.

(Source: P.A. 89-202, eff. 7-21-95; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-135, eff. 7-22-97.)

Section 10. The Community Services Act is amended by changing Section 2 as follows:

(405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

Sec. 2. Community Services System. Services should be planned, developed, delivered and evaluated as part of a comprehensive and coordinated system. The Department of Human Services shall encourage the establishment of services in each area of the State which cover the services categories described below. What specific services are provided under each service category shall be based on local needs; special attention shall be given to unserved and underserved populations, including children and youth, racial and ethnic minorities, and the elderly. The service categories shall include:

(a) Prevention: services designed primarily to reduce the incidence and ameliorate the severity of developmental disabilities, mental illness and alcohol and drug dependence;

(b) Client Assessment and Diagnosis: services designed to identify persons with developmental disabilities, mental illness and alcohol and drug dependency; to determine the extent of the disability and the level of functioning; <u>to ensure the individual's need for treatment of mental disorders or substance use disorders is determined using a uniform screening, assessment, and evaluation process;</u> information obtained through client evaluation can be used in individual treatment and habilitation plans; to assure appropriate placement and to assist in program evaluation;

(c) Case Coordination: services to provide information and assistance to disabled persons to insure that they obtain needed services provided by the private and public sectors; case coordination services

should be available to individuals whose functioning level or history of institutional recidivism or long-term care indicate that such assistance is required for successful community living;

(d) Crisis and Emergency: services to assist individuals and their families through crisis periods, to stabilize individuals under stress and to prevent unnecessary institutionalization;

(e) Treatment, Habilitation and Support: services designed to help individuals develop skills which promote independence and improved levels of social and vocational functioning and personal growth; and to provide non-treatment support services which are necessary for successful community living;

(f) Community Residential Alternatives to Institutional Settings: services to provide living arrangements for persons unable to live independently; the level of supervision, services provided and length of stay at community residential alternatives will vary by the type of program and the needs and functioning level of the residents; other services may be provided in a community residential alternative which promote the acquisition of independent living skills and integration with the community.
(Source: P.A. 89-507, eff. 7-1-97.)

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 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Muñoz, **Senate Bill No. 2864** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2877** having been printed, was taken up, read by title a second time.

Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 3 TO SENATE BILL 2877

AMENDMENT NO. 3. Amend Senate Bill 2877 as follows:

on page 1, by replacing line 8, with "131.21, 131.22, 131.23, 131.24, 131.26, 132.27, and 356z.12 and by adding Sections"; and

on page 1, line 9, by replacing "and 131.20c" with "131.20c, 131.29, and 131.30"; and

on page 3, by replacing lines 7 and 8 with the following:
"company action level as set forth in Article IIA of this Code or would cause the company to be in hazardous financial condition as set forth in Article XII 1/2 of this Code."; and

on page 10, line 16, by replacing "131.12a ~~131.12~~" with "131.12"; and

on page 13, line 24, by replacing "(a) (Blank)." with " ~~(a)~~"; and

on page 14, line 5, by replacing "(b) (Blank)." with " ~~(b)~~"; and

on page 14, line 18, after "fairness", by inserting "of the proposal"; and

on page 16, line 3, by replacing "it shall" with "the person will"; and

on page 16, line 4, by replacing "131.20c" with "131.14b"; and

on page 16, line 6, by replacing "An" with "Beginning July 1, 2013, an"; and

on page 16, line 11, by replacing "insurer" with "company"; and

on page 17, line 20, by replacing "After the change of control" with "after the ~~After~~ change of control ,";

and

on page 18, line 1, by replacing "be to ~~not~~ substantially" with " be ~~not~~ substantially to"; and

on page 18, line 2, by replacing "not" with "~~not~~"; and

on page 19, line 3, after "would", by inserting "not"; and

on page 19, line 16, by replacing "30 ~~60~~" with "60"; and

on page 19, line 22, by replacing "securityholders" with "shareholders ~~securityholders~~"; and

on page 20, line 22, by replacing "insurers" with "companies"; and

on page 20, line 23, by replacing "hearing," with "hearing"; and

on page 22, line 2, by replacing "thereto" with "~~thereto~~"; and

on page 22, line 21, by replacing "insurers" with "companies ~~insurers~~"; and

on page 23, line 8, by replacing "involved insurer" with "involved company ~~insurer~~"; and

on page 23, line 8, by replacing "an insurer" with "a company ~~an insurer~~"; and

on page 23, line 14, by replacing "an insurer" with "a company ~~an insurer~~"; and

on page 24, line 1, by replacing "insurer's" with "company's ~~insurer's~~"; and

on page 24, lines 20 and 24, by replacing "insurers" each time it appears with "companies ~~insurers~~"; and

on page 25, line 4, by replacing "insurers" with "companies ~~insurers~~"; and

on page 25, line 10, by replacing "an insurer" with "a company ~~an insurer~~"; and

on page 25, line 11, by replacing "insurer" with "company ~~insurer~~"; and

on page 25, line 14, by replacing "insurer's" with "company's ~~insurer's~~"; and

on page 27, line 7, by replacing "insurer" with "company ~~insurer~~"; and

on page 27, lines 13 and 17, by replacing "insurers" each time it appears with "companies ~~insurers~~"; and

on page 27, line 19, by replacing "Insurer" each time it appears with "Company ~~Insurer~~"; and

on page 28, line 1, by replacing "Insurer" each time it appears with "Company ~~Insurer~~"; and

on page 28, lines 7 and 10, by replacing "insurers" each time it appears with "companies ~~insurers~~"; and

on page 28, line 14, by replacing "insurer" with "company ~~insurer~~"; and

on page 28, line 15, by replacing "Insurer" with "Company ~~Insurer~~"; and

on page 28, lines 18 and 23, by replacing "insurers" each time it appears with "companies ~~insurers~~"; and

on page 29, lines 2 and 3, by replacing "insurers" each time it appears with "companies ~~insurers~~"; and

on page 29, line 5, by replacing "insurer's" with "company's ~~insurer's~~"; and

on page 29, line 22, by replacing "insurers" with "companies ~~insurers~~"; and

on page 31, lines 5 and 10, by replacing "insurer" each time it appears with "company ~~insurer~~"; and

on page 32, line 17, by replacing "insurer" with "company ~~insurer~~"; and

on page 35, line 12, by replacing "affiliate" with "controlling affiliate"; and

on page 36, lines 4 and 5, by deleting "is responsible for and"; and

on page 38, line 3, by replacing "5" with "15 ~~5~~"; and

on page 38, line 18, by replacing "statement" with "statement, any summary of changes to a registration statement, or any Enterprise Risk Filing"; and

on page 42, line 11, by replacing "insurer" with "company ~~insurer~~"; and

on page 46, lines 5 and 6, by replacing "an insurer" with "a company ~~an insurer~~"; and

on page 46, lines 7 and 9, by replacing "insurer" each time it appears with "company ~~insurer~~"; and

on page 46, line 12, by replacing "reinsurance allocation" with "all reinsurance allocation"; and

on page 46, line 14, by replacing "cost-sharing" with "all cost-sharing"; and

on page 46, line 17, by replacing "insurer" with "company"; and

on page 46, line 21, by replacing "insurer's" with "company's"; and

on page 46, line 25, by replacing "(v);" with "(v)."; and

on page 47, lines 1 and 2, by replacing "insurer" each time it appears with "company"; and

on page 47, line 3, by replacing "insurer's" with "company's"; and

on page 47, line 14, by replacing "insurer's" with "company's ~~insurer's~~"; and

on page 47, line 24, by replacing "an insurer" with "a company ~~an insurer~~"; and

on page 48, line 3, by replacing "insurer" with "company ~~insurer~~"; and

on page 48, line 7, by replacing "insurer's" with "company's ~~insurer's~~"; and

on page 49, lines 1, 10, and 12, by replacing "insurer" each time it appears with "company ~~insurer~~"; and

on page 50, line 16, by replacing "insurers" with "companies ~~insurers~~"; and

on page 50, lines 17, 18, 20, and 24, by replacing "insurer" each time it appears with "company ~~insurer~~"; and

on page 51, lines 8, 9, and 11, by replacing "insurer" each time it appears with "company ~~insurer~~"; and

on page 54, line 9; by replacing "insurer" with "company"; and

on page 54, line 13, by replacing "companies," with "companies in accordance with Section 131.21 of this Code,"; and

on page 54, line 17, by replacing "agreements" with "agreements in accordance with Section 131.22 of this Code"; and

on page 55, line 5, by replacing "insurer" with "company"; and

on page 60, lines 13 and 17, by replacing "an insurer" each time it appears with "a company"; and

on page 60, line 20, by replacing "insurer" with "company"; and

on page 62, immediately below line 10, by inserting the following:

"(215 ILCS 5/131.23) (from Ch. 73, par. 743.23)

Sec. 131.23. Injunctions; prohibitions against voting securities; sequestration of voting securities. (1) Whenever it appears to the Director that any company or any director, officer, employee or agent thereof has committed or is about to commit a violation of this Article or of any rule, regulation, or order issued by the Director hereunder, the Director may apply to the Circuit Court for the county in which the principal office of the company is located or to the Circuit Court for Sangamon County for an order enjoining the company or the director, officer, employee or agent thereof from violating or continuing to violate this Article or any rule, regulation or order, and for any other equitable relief as the nature of the case and the interests of the company's policyholders, creditors or the public may require. In any proceeding, the validity of the rule, regulation or order alleged to have been violated may be determined by the Court.

(2) No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired, in contravention of this Article or of any rule, regulation or order issued by the Director hereunder may be voted at any shareholder's ~~securityholders'~~ meeting, or may be counted for quorum purposes, and any action of shareholder's ~~securityholders'~~ requiring the affirmative vote of a percentage of securities may be taken as though such securities were not issued and outstanding; but no action taken at any such meeting may be invalidated by the voting of such securities, unless the action would materially affect control of the company or unless any court of this State has so ordered. If the Director has reason to believe that any security of the company has been or is about to be acquired in contravention of this Article or of any rule, regulation or order issued by the Director hereunder the company or the Director may apply to the Circuit Court for Sangamon County or to the Circuit Court for the county in which the company has its principal place of business (a) to enjoin the further pursuit or use of any offer, request, invitation, agreement or acquisition made in contravention of Sections 131.4 through 131.12 or any rule, regulation, or order issued by the Director thereunder; (b) to enjoin the voting of any security so acquired; (c) to void any vote of such security already cast at any meeting of shareholders ~~securityholders~~; and (d) for any other equitable relief as the nature of the case and the interests of the company's policyholders, creditors, or the public may require.

(3) In any case where a person has acquired or is proposing to acquire any voting securities in violation of this Article or any rule, regulation or order issued by the Director hereunder, the Circuit Court for Sangamon County or the Circuit Court for the county in which the company has its principal place of business may, on such notice as the court deems appropriate, upon the application of the company or the Director seize or sequester any voting securities of the company owned directly or indirectly by such person, and issue any orders with respect thereto as may be appropriate to effectuate this Article. Notwithstanding any other provisions of law, for the purposes of this Article, the situs of the ownership of the securities of domestic companies is deemed to be in this State.

(4) If the Director has reason to believe that any policyholders' proxies have been or are about to be acquired in contravention of this Article or of any rule, regulations or order issued by the Director hereunder, the Director may apply to the Circuit Court for Sangamon County or to the Circuit Court for the county in which the company has its principal place of business (a) to enjoin further pursuit or use of any offer, request, invitation, agreement or acquisition made in contravention of Section 131.4 through 131.12 and (b) for any other equitable relief as the nature of the case and the interests of the company's policyholders, creditors or the public may require.

(Source: P.A. 84-805.)"; and

on page 64, line 19, by replacing "insurer" with "company"; and

on page 64, by replacing line 22 with the following:

"company under an order of supervision in accordance with Article XII 1/2 of this Code."; and

on page 64, immediately below line 23, by inserting the following:

"(215 ILCS 5/131.26) (from Ch. 73, par. 743.26)

Sec. 131.26. Revocation, suspension, or non-renewal of company's license.

Whenever it appears to the Director that any person has committed a violation of this Article which makes the continued operation of a company contrary to the interests of policyholders or the public, the Director may, after notice and hearing suspend, revoke or refuse to renew the company's license or authority to do business in this State for such ~~a~~ period as the Director ~~he~~ finds is required for the protection of policyholders or the public. Any such determination must be accompanied by specific findings of fact and conclusions of law.
(Source: P.A. 77-673.)"; and

on page 65, immediately below line 21, by inserting the following:

"(215 ILCS 5/131.29 new)

Sec. 131.29. Rulemaking power. The Director may adopt such administrative rules as are necessary to implement the provisions of this Article.

(215 ILCS 5/131.30 new)

Sec. 131.30. Conflict with other laws. This Code supersedes all laws and parts of laws of this State inconsistent with this Code with respect to matters covered by this Code.

(215 ILCS 5/356z.12)

Sec. 356z.12. Dependent coverage.

(a) A group or individual policy of accident and health insurance or managed care plan that provides coverage for dependents and that is amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly shall not terminate coverage or deny the election of coverage for an unmarried dependent by reason of the dependent's age before the dependent's 26th birthday.

(b) A policy or plan subject to this Section shall, upon amendment, delivery, issuance, or renewal, establish an initial enrollment period of not less than 90 days during which an insured may make a written election for coverage of an unmarried person as a dependent under this Section. After the initial enrollment period, enrollment by a dependent pursuant to this Section shall be consistent with the enrollment terms of the plan or policy.

(c) A policy or plan subject to this Section shall allow for dependent coverage during the annual open enrollment date or the annual renewal date if the dependent, as of the date on which the insured elects dependent coverage under this subsection, has:

(1) a period of continuous creditable coverage of 90 days or more; and

(2) not been without creditable coverage for more than 63 days.

An insured may elect coverage for a dependent who does not meet the continuous creditable coverage requirements of this subsection (c) and that dependent shall not be denied coverage due to age.

For purposes of this subsection (c), "creditable coverage" shall have the meaning provided under subsection (C)(1) of Section 20 of the Illinois Health Insurance Portability and Accountability Act.

(d) Military personnel. A group or individual policy of accident and health insurance or managed care plan that provides coverage for dependents and that is amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly shall not terminate coverage or deny the election of coverage for an unmarried dependent by reason of the dependent's age before the dependent's 30th birthday if the dependent (i) is an Illinois resident, (ii) served as a member of the active or reserve components of any of the branches of the Armed Forces of the United States, and (iii) has received a release or discharge other than a dishonorable discharge. To be eligible for coverage under this subsection (d), the eligible dependent shall submit to the insurer a form approved by the Illinois Department of Veterans' Affairs stating the date on which the dependent was released from service.

(e) Calculation of the cost of coverage provided to an unmarried dependent under this Section shall be identical.

(f) Nothing in this Section shall prohibit an employer from requiring an employee to pay all or part of the cost of coverage provided under this Section.

(g) No exclusions or limitations may be applied to coverage elected pursuant to this Section that do not apply to all dependents covered under the policy.

(h) A policy or plan subject to this Section shall not condition eligibility for dependent coverage provided pursuant to this Section on enrollment in any educational institution.

(i) Notice regarding coverage for a dependent as provided pursuant to this Section shall be provided to an insured by the insurer:

(1) upon application or enrollment;

(2) in the certificate of coverage or equivalent document prepared for an insured and delivered on or about the date on which the coverage commences; and

(3) (blank) ~~in a notice delivered to an insured on a semi-annual basis~~.

(Source: P.A. 95-958, eff. 6-1-09.)"; and

on page 66, by replacing line 4 with the following:
"1, 2013, except that Section 131.14b of the Illinois Insurance Code takes effect July 1, 2013.".

Senate Committee Amendment No. 4 was held in the Committee on Assignments.
Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO SENATE BILL 2877

AMENDMENT NO. 5 . Amend Senate Bill 2877, AS AMENDED, as follows:

in Section 5, Sec. 131.4, subsection (a), paragraph (3), by replacing "131.12;" with "131.11 ~~131.12~~;"; and

in Section 5, Sec. 131.4, subsection (b), the sentence beginning "The Director shall determine", by replacing "parties seeking" with "party or parties seeking"; and

in Section 5, Sec. 131.5, by replacing the Section heading with "Statement; contents ~~Statement - Contents~~"; and

in Section 5, Sec. 131.5, paragraph (12), by replacing "An agreement" with "Beginning July 1, 2013, an agreement"; and

in Section 5, Sec. 131.12a, subsection (4), paragraph (b), subparagraph (i), item (B), by replacing "insurers possess" with "companies ~~insurers~~ possess"; and

in Section 5, Sec. 131.13, the sentence beginning "Every company which is authorized", by replacing "131.19." with "131.20a ~~131.19~~."; and

in Section 5, Sec. 131.14, paragraph (3), subparagraph (e), by replacing "~~principles~~; and" with "~~principles~~; ~~and~~"; and

in Section 5, Sec. 131.20, subsection (1), paragraph (a-5), by replacing "rule by the Director;" with "rules and regulations issued by the Director;"; and

in Section 5, Sec. 131.20c, subsection (a), by replacing "131.4 of this Code," with "131.13 of this Code,"; and

in Section 5, Sec. 131.22, subsection (c), paragraph (1), by replacing "notwithstanding this paragraph (1), the Director may only" with the following:
"(1.5) notwithstanding paragraph (1) of this subsection (c), may only"; and

in Section 5, Sec. 131.22, subsection (c), paragraph (1), by replacing "pursuant to Section 131.20c" with "pursuant to Section 131.14b"; and

in Section 5, Sec. 131.24, subsection (5), by replacing "violation of Section 131.20c" with "violation of Section 131.14b".

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

AMENDMENT NO. 6 TO SENATE BILL 2877

AMENDMENT NO. 6 . Amend Senate Bill 2877, AS AMENDED, as follows:

in Section 5, Sec. 131.20a, by replacing paragraph (1)(a) with the following:
"(1) (a) The following transactions involving ~~between~~ a domestic company and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this Section, which are subject to any materiality standards contained in this

Section, may not be entered into unless the company has notified the Director in writing of its intention to enter into such transaction at least 30 days prior thereto, or such shorter period as the Director may permit, and the Director has not disapproved it within such period. The notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic company. Informal notice shall be reported, within 30 days after a termination of a previously filed agreement, to the Director for determination of the type of filing required, if any:

(i) Sales, purchases, exchanges of assets, loans or extensions of credit, guarantees, investments, or any other transaction, except dividends, ~~(A)~~ that involves the transfer of assets from or liabilities to a company (A) equal to or exceeding the lesser of 3% of the company's admitted assets or 25% of its surplus as regards policyholders as of the 31st day of December next preceding or (B) that is proposed when the domestic company is not eligible to declare and pay a dividend or other distribution pursuant to the provisions of Section 27.

(ii) Loans or extensions of credit to any person that is not an affiliate (A) that involve the lesser of 3% of the company's admitted assets or 25% of the company's surplus, each as of the 31st day of December next preceding, made with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the company making such loans or extensions of credit or (B) that are proposed when the domestic company is not eligible to declare and pay a dividend or other distribution pursuant to the provisions of Section 27.

(iii) Reinsurance agreements or modifications thereto, including all reinsurance pooling agreements, reinsurance agreements in which the reinsurance premium or a change in the company's liabilities, or the projected reinsurance premium or a change in the company's liabilities in any of the next 3 years, equals or exceeds 5% of the company's surplus as regards policyholders, as of the 31st day of December next preceding, including those agreements that may require as consideration the transfer of assets from a company ~~an insurer~~ to a nonaffiliate, if an agreement or understanding exists between the company ~~insurer~~ and nonaffiliate that any portion of those assets will be transferred to one or more affiliates of the company ~~insurer~~.

(iv) All management agreements, service contracts, other than agency contracts, tax allocation agreements, all reinsurance allocation agreements related to reinsurance agreements required to be filed under this Section, and all cost-sharing arrangements ~~, and any other contracts providing for the rendering of services on a regular systematic basis~~.

(v) Direct or indirect acquisitions or investments in a person that controls the company, or in an affiliate of the company, in an amount which, together with its present holdings in such investments, exceeds 2.5% of the company's surplus as regards policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired pursuant to Section 131.2 of this Article (or authorized under any other Section of this Code), or in non-subsidiary insurance affiliates that are subject to the provisions of this Article, are exempt from this requirement.

(vi) Any series of the previously described transactions that are substantially similar to each other, that take place within any 180 day period, and that in total are equal to or exceed the lesser of 3% of the domestic company's ~~insurer's~~ admitted assets or 25% of its policyholders surplus, as of the 31st day of the December next preceding.

(vii) ~~(vi)~~ Any other material transaction that the Director by rule determines might render the company's surplus as regards policyholders unreasonable in relation to the company's outstanding liabilities and inadequate to its financial needs or may otherwise adversely affect the interests of the company's policyholders or shareholders.

Nothing herein contained shall be deemed to authorize or permit any transactions that, in the case of a company ~~an insurer~~ not a member of the same holding company system, would be otherwise contrary to law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 7 was postponed in the Committee on Insurance earlier today.

There being no further amendments, the foregoing Amendments Numbered 3, 5 and 6 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2886** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2895** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2895

AMENDMENT NO. 1. Amend Senate Bill 2895 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-12001.1 as follows:

(55 ILCS 5/5-12001.1)

Sec. 5-12001.1. Authority to ~~to~~ regulate certain specified facilities of a telecommunications carrier and to regulate, pursuant to subsections (a) through (g), AM broadcast towers and facilities.

(a) Notwithstanding any other Section in this Division, the county board or board of county commissioners of any county shall have the power to regulate the location of the facilities, as defined in subsection (c), of a telecommunications carrier or AM broadcast station established outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect. The power shall only be exercised to the extent and in the manner set forth in this Section.

(b) The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal Telecommunications Act of 1996, P.L. 104-104.

(c) As used in this Section, unless the context otherwise requires:

(1) "county jurisdiction area" means those portions of a county that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;

(2) "county board" means the county board or board of county commissioners of any county;

(3) "residential zoning district" means a zoning district that is designated under a county zoning ordinance and is zoned predominantly for residential uses;

(4) "non-residential zoning district" means the county jurisdiction area of a county, except for those portions within a residential zoning district;

(5) "residentially zoned lot" means a zoning lot in a residential zoning district;

(6) "non-residentially zoned lot" means a zoning lot in a non-residential zoning district;

(7) "telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;

(8) "facility" means that part of the signal distribution system used or operated by a telecommunications carrier or AM broadcast station under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware;

(9) "FAA" means the Federal Aviation Administration of the United States Department of Transportation;

(10) "FCC" means the Federal Communications Commission;

(11) "antenna" means an antenna device by which radio signals are transmitted, received, or both;

(12) "supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

(13) "qualifying structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

(14) "equipment housing" means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;

(15) "height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the

supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;

(16) "facility lot" means the zoning lot on which a facility is or will be located;

(17) "principal residential building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;

(18) "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building;

(19) "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way; and

(20) "AM broadcast station" means a facility and one or more towers for the purpose of transmitting communication in the 540 kHz to 1700 kHz band for public reception authorized by the FCC.

(d) In choosing a location for a facility, a telecommunications carrier or AM broadcast station shall consider the following:

(1) A non-residentially zoned lot is the most desirable location.

(2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.

(3) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.

(4) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

(e) In designing a facility, a telecommunications carrier or AM broadcast station shall consider the following guidelines:

(1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

(2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

(3) No facility should encroach onto an existing septic field.

(4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.

(5) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.

(6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph (5) of this subsection (e) shall control over any tree-related regulations imposing a greater burden.

(7) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

(8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

(f) The following provisions shall apply to all facilities established in any county jurisdiction area (i) after the effective date of the amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations:

(1) Except as provided in this Section, no yard or set back regulations shall apply to

or be required for a facility.

(2) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.

(3) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.

(4) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

(5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.

(6) A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.

(7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

(8) Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper of general circulation published in the county. Notice of any such public hearing shall also be sent by certified mail at least 15 days prior to the hearing to the owners of record of all residential property that is adjacent to the lot upon which the facility is proposed to be sited.

(9) Any decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

(10) Thirty days prior to the issuance of a building permit for a facility necessitating the erection of a new tower, the permit applicant shall provide written notice of its intent to construct the facility to the State Representative and the State Senator of the district in which the subject facility is to be constructed and all county board members for the county board district in the county in which the subject facility is to be constructed. This notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility; (ii) the name, address, and telephone number of the governmental entity authorized to issue the building permit; and (iii) the location of the proposed facility. The applicant shall demonstrate compliance with the notice requirements set forth in this item (10) by submitting certified mail receipts or equivalent mail service receipts at the same time that the applicant submits the permit application.

(g) The following provisions shall apply to all facilities established (i) after the effective date of this amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations in the county jurisdiction area of any county with a population of less than 180,000:

(1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

(A) the height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and

(B) the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.

(2) Unless a facility is permitted under paragraph (1) of this subsection (g), a facility can be established only after the county board gives its approval following consideration of the

provisions of paragraph (3) of this subsection (g). The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

(3) For purposes of paragraph (2) of this subsection (g), the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:

(A) the criteria in subsection (d) of this Section;

(B) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(C) the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;

(D) the existing uses on adjacent and nearby properties; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

(4) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of any other body that conducts the public hearing.

(h) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the county jurisdiction area of any county with a population of 180,000 or more. A facility is permitted in any zoning district subject to the following:

(1) A facility shall not be located on a lot under paragraph (4) of subsection (d) unless a variation is granted by the county board under paragraph (4) of this subsection (h).

(2) Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure.

(3) The improvements and equipment of the facility shall be placed to comply with the requirements of this paragraph at the time a building permit application for the facility is submitted. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district the lot line set back distance to the nearest residentially zoned lot shall be at least 50% of the height of the facility's supporting structure or (ii) if the facility will be located in a non-residential zoning district the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the facility's supporting structure.

(4) The county board may grant variations for any of the regulations, conditions, and restrictions of this subsection (h), after one public hearing on the proposed variations held at a zoning or other appropriate committee meeting with proper notice given as provided in this Section, by a favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of an application by the telecommunications carrier. If the county board fails to act on the application within 75 days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the county board, and any other body conducting the public hearing, shall consider the following, and no other matters:

(A) whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;

(B) whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;

(C) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(D) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

No more than one public hearing shall be required.

(5) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented and the well-reasoned recommendations of any other body that conducted the public hearing.

(i) Notwithstanding any other provision of law to the contrary, 30 days prior to the issuance of any permits for a new telecommunications facility within a county, the telecommunications carrier constructing the facility shall provide written notice of its intent to construct the facility. The notice shall include, but not be limited to, the following information: (i) the name, address, and telephone number of the company responsible for the construction of the facility, (ii) the address and telephone number of the governmental entity that is to issue the building permit for the telecommunications facility, (iii) a site plan and site map of sufficient specificity to indicate both the location of the parcel where the telecommunications facility is to be constructed and the location of all the telecommunications facilities within that parcel, and (iv) the property index number and common address of the parcel where the telecommunications facility is to be located. The notice shall not contain any material that appears to be an advertisement for the telecommunications carrier or any services provided by the telecommunications carrier. The notice shall be provided in person, by overnight private courier, or by certified mail to all owners of property within 250 feet of the parcel in which the telecommunications carrier has a leasehold or ownership interest. For the purposes of this notice requirement, "owners" means those persons or entities identified from the authentic tax records of the county in which the telecommunications facility is to be located. If, after a bona fide effort by the telecommunications carrier to determine the owner and his or her address, the owner of the property on whom the notice must be served cannot be found at the owner's last known address, or if the mailed notice is returned because the owner cannot be found at the last known address, the notice requirement of this paragraph is deemed satisfied.

(Source: P.A. 96-696, eff. 1-1-10; 97-242, eff. 8-4-11; 97-496, eff. 8-22-11; revised 9-28-11.)".

Senate Floor Amendment No. 2 was held in the Committee on Assignments.

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

On motion of Senator Link, **Senate Bill No. 2900** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2900

AMENDMENT NO. 1. Amend Senate Bill 2900 by replacing everything after the enacting clause with the following:

"Section 5. The Cigarette Tax Act is amended by changing Section 30 as follows:

(35 ILCS 130/30) (from Ch. 120, par. 453.30)

Sec. 30. This Act shall be known as the ~~the~~ "Cigarette Tax Act," and may be referred to by that designation.

(Source: Laws 1945, p. 1220.)".

Senate Floor Amendment No. 2 was postponed in the Committee on Executive earlier today.

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

On motion of Senator Althoff, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 2902** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2959** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2959

AMENDMENT NO. 1. Amend Senate Bill 2959 on page 4, by replacing lines 7 through 15 with the following:

"(d) Claims against the Fund shall be reviewed by the Illinois Fire Advisory Commission at its normally scheduled meetings, as the claims are received. The Commission shall be responsible for:

(1) reviewing claims made against the Fund and determining reasonable and necessary expenses to be reimbursed for an emergency response agency;

(2) affirming that the emergency response agency has made a reasonable effort to recover expended costs from involved parties; and

(3) advising the State Fire Marshal as to those claims against the fund which merit reimbursement.

(e) The State Fire Marshal shall either accept or reject the Commission's recommendations as to a claim's eligibility. Any person aggrieved by the State Fire Marshal's eligibility decision may, within 10 days after receiving notice of the decision, appeal the decision to the State Fire Marshal.".

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

On motion of Senator Holmes, **Senate Bill No. 2960** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2960

AMENDMENT NO. 1. Amend Senate Bill 2960 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 10.2a as follows:

(210 ILCS 85/10.2a new)

Sec. 10.2a. Physicians; financial responsibility. A hospital operating within this State shall make publicly available, either in electronic form on a publicly accessible website, or in written form when requested, the financial responsibility requirements with respect to professional liability coverage necessary for a physician to obtain and maintain staff privileges at the hospital.".

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

On motion of Senator Bivins, **Senate Bill No. 2998** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on State Government and Veterans Affairs earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 3047** having been printed, was taken up, read by title a second time.

Senator Righter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3047

AMENDMENT NO. 1. Amend Senate Bill 3047 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by changing Section 6-104 as follows:

(605 ILCS 5/6-104) (from Ch. 121, par. 6-104)

Sec. 6-104. Whenever the territory of any municipality ~~of a population of not less than 15,000~~ is a part of a road district ~~two or more road districts~~ in a county not under township organization, and shall by resolution of its council or its president and board of trustees request the county board to organize it into a separate road district and designate the name thereof, the county board shall comply with such request, and provide for such organization of such municipality into a new road district under the name designated in such resolution of such city council, or president and board of trustees, if any be designated therein.

Whenever a road district shall have been or shall hereafter be organized as provided in this Section

and any of the territory of such municipality shall be disconnected from such municipality, the county board, upon receipt of a certified copy of the resolution or ordinance of the municipality disconnecting such territory, by resolution, shall disconnect such territory from such road district and annex it to an adjacent road district or districts. Whenever such municipality, at any one time shall have annexed or shall hereafter annex any territory, the county board, by resolution, shall disconnect such territory from the road district or districts in which it may be situated and annex the same to the road district in which such municipality is situated.

All the powers vested in a road district organized out of the territory embraced within any municipality, including all the powers vested by law in the highway commissioner of a road district, shall be vested in and exercised by the city council, or president and board of trustees of such municipality, including the power to levy a tax for the proper construction, maintenance and repair of roads in such district as provided in Section 6--501 of this Code. Any such tax whether heretofore or hereafter levied shall be in addition to all other taxes levied in such municipality and in addition to the taxes for general purposes authorized in Section 8-3-1 of the Illinois Municipal Code, as heretofore and hereafter amended.

All of the powers vested by law in the district clerk of a road district shall be vested in and exercised by the city, town or village clerk of such municipality.

After a road district has been organized out of the territory embraced within a municipality, the offices and election of highway commissioner and district clerk shall be discontinued.
(Source: Laws 1961, p. 1415.)

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.

On motion of Senator Althoff, **Senate Bill No. 3101** having been printed, was taken up, read by title a second time.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3101

AMENDMENT NO. 1. Amend Senate Bill 3101 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 20-20 as follows:
(35 ILCS 200/20-20)

Sec. 20-20. Changes in address for mailing tax bill. To insure that a person requesting a change of the address to which a property tax bill is sent has a legal interest in the property or authority to act on behalf of the owner of the property, the county collector in every county with less than 3,000,000 inhabitants or less shall establish and enforce a procedure for requiring identification or certification of the identity of taxpayers who request a change in the address to which their tax bill is mailed. No change of address shall be implemented unless the person requesting the change is the owner of the property, a trustee or a person holding the power of attorney from the owner or trustee of the property. However, if a property owner conveys a permanent change of address in writing to the United States Postal Service, then, on or after the effective date of that change of address, the county collector may mail a property tax bill to the property owner at his or her new address regardless of whether or not the owner notifies the collector of the address change.

As an alternative to mailing a copy of the bill, the collector may send the tax bill via e-mail at the request of the taxpayer. If the taxpayer makes such a request, then the taxpayer shall notify the collector of any change in his or her e-mail address as soon as possible after the address is changed.
(Source: P.A. 84-396; 88-455.)

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.

On motion of Senator Link, **Senate Bill No. 3167** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schmidt, **Senate Bill No. 3170** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3170

AMENDMENT NO. 1. Amend Senate Bill 3170 as follows:

on page 4, immediately below line 3, by inserting the following:

"A township or township board's authority to aggregate loads may be exercised only when the municipality or county in which the township is located does not aggregate residential and small commercial retail electrical loads located within the township.".

Senator Schmidt offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3170

AMENDMENT NO. 2. Amend Senate Bill 3170, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Power Agency Act is amended by changing Section 1-92 as follows:

(20 ILCS 3855/1-92)

Sec. 1-92. Aggregation of electrical load by municipalities, townships, and counties.

(a) The corporate authorities of a municipality, township board, or county board of a county may adopt an ordinance under which it may aggregate in accordance with this Section residential and small commercial retail electrical loads located, respectively, within the municipality, the township, or the unincorporated areas of the county and, for that purpose, may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.

The corporate authorities, township board, or county board may also exercise such authority jointly with any other municipality, township, or county. Two or more municipalities, townships, or counties, or a combination of both, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality, township, or county as required by this Section.

If the corporate authorities, township board, or the county board seek to operate the aggregation program as an opt-out program for residential and small commercial retail customers, then prior to the adoption of an ordinance with respect to aggregation of residential and small commercial retail electric loads, the corporate authorities of a municipality, the township board, or the county board of a county shall submit a referendum to its residents to determine whether or not the aggregation program shall operate as an opt-out program for residential and small commercial retail customers.

In addition to the notice and conduct requirements of the general election law, notice of the referendum shall state briefly the purpose of the referendum. The question of whether the corporate authorities, the township board, or the county board shall adopt an opt-out aggregation program for residential and small commercial retail customers shall be submitted to the electors of the municipality, township board, or county board at a regular election and approved by a majority of the electors voting on the question. The corporate authorities, township board, or county board must certify to the proper election authority, which must submit the question at an election in accordance with the Election Code.

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

> Shall the (municipality, township, or county in which the question is being voted upon) have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program?

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

If a majority of the electors voting on the question vote in the affirmative, then the corporate authorities, township board, or county board may implement an opt-out aggregation program for residential and small commercial retail customers.

A referendum must pass in each particular municipality, township, or county that is engaged in the

aggregation program. If the referendum fails, then the corporate authorities, township board, or county board shall operate the aggregation program as an opt-in program for residential and small commercial retail customers.

An ordinance under this Section shall specify whether the aggregation will occur only with the prior consent of each person owning, occupying, controlling, or using an electric load center proposed to be aggregated. Nothing in this Section, however, authorizes the aggregation of electric loads that are served or authorized to be served by an electric cooperative as defined by and pursuant to the Electric Supplier Act or loads served by a municipality that owns and operates its own electric distribution system. No aggregation shall take effect unless approved by a majority of the members of the corporate authority, township board, or county board voting upon the ordinance.

A governmental aggregator under this Section is not a public utility or an alternative retail electric supplier.

For purposes of this Section, "township" means the portion of a township that is an unincorporated portion of a county that is not otherwise a part of a municipality. In addition to such other limitations as are included in this Section, a township board shall only have authority to aggregate residential and small commercial customer loads in accordance with this Section if the county board of the county in which the township is located (i) is not also submitting a referendum to its residents at the same general election that the township board proposes to submit a referendum under this subsection (a), (ii) has not received authorization through passage of a referendum to operate an opt-out aggregation program for residential and small commercial retail customers under to this subsection (a), and (iii) has not otherwise enacted an ordinance under this subsection (a) authorizing the operation of an opt-in aggregation program for residential and small commercial retail customers as described in this Section.

(b) Upon the applicable requisite authority under this Section, the corporate authorities, the township board, or the county board, with assistance from the Illinois Power Agency, shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this Section, the corporate authorities, township board, or county board shall hold at least 2 public hearings on the plan. Before the first hearing, the corporate authorities, township board, or county board shall publish notice of the hearings once a week for 2 consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing. Any load aggregation plan established pursuant to this Section shall:

(1) provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers;

(2) describe demand management and energy efficiency services to be provided to each class of customers; and

(3) meet any requirements established by law concerning aggregated service offered pursuant to this Section.

(c) The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services shall be conducted in the following order:

(1) The corporate authorities, township board, or county board may solicit bids for electricity and other related services.

(2) Notwithstanding Section 16-122 of the Public Utilities Act and Section 2HH of the Consumer Fraud and Deceptive Business Practices Act, an electric utility that provides residential and small commercial retail electric service in the aggregate area must; -

(A) upon request of the corporate authorities or the county board in the aggregate area, submit to the requesting party, in an electronic format, those account numbers, names, and addresses of residential and small commercial retail customers in the aggregate area that are reflected in the electric utility's records at the time of the request; and

(B) following the township board's submission to the electric utility of those zip codes included in the aggregate area, submit to the township board, in an electronic format or other means selected by the electric utility, those names and addresses of residential and small commercial retail customers that are located in such zip codes as reflected in the electric utility's records at the time of the request; upon the township board's receipt of the information provided by the electric utility, the township board shall review the information and submit to the electric utility, in an electronic format or other means selected by the utility, either confirmation that the information is accurate or corrections to the information.

Any corporate authority, township board, or county board receiving customer information from an electric utility shall be subject to the limitations on the disclosure of the information described in Section 16-122 of the Public Utilities Act and Section 2HH of the Consumer Fraud and Deceptive Business

Practices Act, and an electric utility shall not be held liable for any claims arising out of the provision of information pursuant to this item (2).

(d) If the corporate authorities, township board, or county board operate under an opt-in program for residential and small commercial retail customers, then the corporate authorities, township board, or county board shall comply with all of the following:

(1) Within 60 days after receiving the bids, the corporate authorities, township board, or county board

shall allow residential and small commercial retail customers to commit to the terms and conditions of a bid that has been selected by the corporate authorities, township board, or county board.

(2) If (A) the corporate authorities, township board, or county board award proposed agreements for the

purchase of electricity and other related services and (B) an agreement is reached between the corporate authorities, township board, or county board for those services, then customers committed to the terms and conditions according to item (1) of this subsection (d) shall be committed to the agreement.

(e) If the corporate authorities, township board, or county board operate as an opt-out program for residential and small commercial retail customers, then it shall be the duty of the aggregated entity to fully inform residential and small commercial retail customers in advance that they have the right to opt out of the aggregation program. The disclosure shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 16-103 of the Public Utilities Act, how to access it, and the fact that it is available to them without penalty, if they are currently receiving service under that Section. The Illinois Power Agency shall furnish, without charge, to any citizen a list of all supply options available to them in a format that allows comparison of prices and products.

The Illinois Power Agency shall provide assistance to municipalities, townships, counties, or associations working with municipalities to help complete the plan and bidding process.

This Section does not prohibit municipalities or counties from entering into an intergovernmental agreement to aggregate residential and small commercial retail electric loads.

(Source: P.A. 96-176, eff. 1-1-10; 97-338, eff. 8-12-11.)

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 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 3173** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3173

AMENDMENT NO. 2. Amend Senate Bill 3173 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Power Agency Act is amended by changing Sections 1-10 and 1-20 and by adding Section 1-76 as follows:

(20 ILCS 3855/1-10)

Sec. 1-10. Definitions.

"Agency" means the Illinois Power Agency.

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

"Authority" means the Illinois Finance Authority.

"Clean coal facility" means an electric generating facility that uses primarily coal as a feedstock and that captures and sequesters carbon dioxide emissions at the following levels: at least 50% of the total carbon dioxide emissions that the facility would otherwise emit if, at the time construction commences,

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

"Clean coal SNG brownfield facility" means a facility that (1) has commenced construction by July 1, 2015 on an urban brownfield site in a municipality with at least 1,000,000 residents; (2) uses a gasification process to produce substitute natural gas; (3) uses coal as at least 50% of the total feedstock over the term of any sourcing agreement with a utility and the remainder of the feedstock may be either petroleum coke or coal, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million Btu content unless the facility reasonably determines that it is necessary to use additional petroleum coke to deliver additional consumer savings, in which case the facility shall use coal for at least 35% of the total feedstock over the term of any sourcing agreement; and (4) captures and sequesters at least 85% of the total carbon dioxide emissions that the facility would otherwise emit.

"Clean coal SNG facility" means a facility that uses a gasification process to produce substitute natural gas, that sequesters at least 90% of the total carbon dioxide emissions that the facility would otherwise emit, that uses at least 90% coal as a feedstock, with all such coal having a high bituminous rank and greater than 1.7 pounds of sulfur per million btu content, and that has a valid and effective permit to construct emission sources and air pollution control equipment and approval with respect to the federal regulations for Prevention of Significant Deterioration of Air Quality (PSD) for the plant pursuant to the federal Clean Air Act; provided, however, a clean coal SNG brownfield facility shall not be a clean coal SNG facility.

"Commission" means the Illinois Commerce Commission.

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

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

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

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

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

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

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

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

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

"Distributed renewable energy generation device" means a device that is:

(1) powered by wind, solar thermal energy, photovoltaic cells and panels, biodiesel, crops and untreated and unadulterated organic waste biomass, tree waste, and hydropower that does not involve new construction or significant expansion of hydropower dams;

(2) interconnected at the distribution system level of either an electric utility as defined in this Section, an alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act, a municipal utility as defined in Section 3-105 of the Public Utilities Act, or a rural electric cooperative as defined in Section 3-119 of the Public Utilities Act;

(3) located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load; and

(4) limited in nameplate capacity to no more than 2,000 kilowatts.

"Eligible retail customers" has the same definition as found in Section 16-111.5 of the Public Utilities Act.

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

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

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

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

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

"Municipal brownfield site" means a site (1) that is owned by a municipality and conveyed or leased to a person proposing to operate a qualified solar remediation facility on such site and (2) that is the subject of a Superfund alternative approach agreement between the United States Environmental Protection Agency and potentially responsible parties in accordance with the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, requiring remedial clean up of such site.

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

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

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

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

"Qualified solar power purchase agreement" means an agreement between the operator of a qualified solar remediation facility and an electric utility that has terms and conditions meeting the requirements of subsection (c) of Section 1-76 of this Act and is consistent with the utility's applicable tariffs.

"Qualified solar remediation facility" means an electric generating facility:

(1) that uses photovoltaic cells and panels to produce energy;

(2) that is located at a municipal brownfield site;

(3) that has a nameplate capacity of no more than 20 megawatts; and

(4) where construction of the electric generating facility structure has not commenced on or before the date the application to approve a qualified solar power purchase agreement for such facility is submitted to the Agency in accordance with Section 1-76 of this Act.

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

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

"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, tree waste, hydropower that does not involve new construction or significant expansion of hydropower dams, and other alternative sources of environmentally preferable energy. For purposes of this Act, landfill gas produced in the State is considered a renewable energy resource. "Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood.

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

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

clean coal SNG facility, or clean coal SNG brownfield facility has contracted for such purposes.

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

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

"Total resource cost test" or "TRC test" means a standard that is met if, for an investment in energy efficiency or demand-response measures, the benefit-cost ratio is greater than one. The benefit-cost ratio is the ratio of the net present value of the total benefits of the program to the net present value of the total costs as calculated over the lifetime of the measures. A total resource cost test compares the sum of avoided electric utility costs, representing the benefits that accrue to the system and the participant in the delivery of those efficiency measures, as well as other quantifiable societal benefits, including avoided natural gas utility costs, to the sum of all incremental costs of end-use measures that are implemented due to the program (including both utility and participant contributions), plus costs to administer, deliver, and evaluate each demand-side program, to quantify the net savings obtained by substituting the demand-side program for supply resources. In calculating avoided costs of power and energy that an electric utility would otherwise have had to acquire, reasonable estimates shall be included of financial costs likely to be imposed by future regulations and legislation on emissions of greenhouse gases.
(Source: P.A. 96-33, eff. 7-10-09; 96-159, eff. 8-10-09; 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-491, eff. 8-22-11; 97-616, eff. 10-26-11; revised 11-10-11.)

(20 ILCS 3855/1-20)

Sec. 1-20. General powers of the Agency.

(a) The Agency is authorized to do each of the following:

(1) Develop electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account any benefits of price stability, for electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois and for small multi-jurisdictional electric utilities that (A) on December 31, 2005 served less than 100,000 customers in Illinois and (B) request a procurement plan for their Illinois jurisdictional load. The procurement plans shall be updated on an annual basis and shall include electricity generated from renewable resources sufficient to achieve the standards specified in this Act.

(2) Conduct competitive procurement processes to procure the supply resources identified in the procurement plan, pursuant to Section 16-111.5 of the Public Utilities Act.

(3) Develop electric generation and co-generation facilities that use indigenous coal or renewable resources, or both, financed with bonds issued by the Illinois Finance Authority.

(4) Supply electricity from the Agency's facilities at cost to one or more of the following: municipal electric systems, governmental aggregators, or rural electric cooperatives in Illinois.

(b) Except as otherwise limited by this Act, the Agency has all of the powers necessary or convenient to carry out the purposes and provisions of this Act, including without limitation, each of the following:

(1) To have a corporate seal, and to alter that seal at pleasure, and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any other manner.

(2) To use the services of the Illinois Finance Authority necessary to carry out the Agency's purposes.

(3) To negotiate and enter into loan agreements and other agreements with the Illinois Finance Authority.

(4) To obtain and employ personnel and hire consultants that are necessary to fulfill the Agency's purposes, and to make expenditures for that purpose within the appropriations for that purpose.

(5) To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with, real or personal property whether tangible or intangible, or any interest therein, within the State.

(6) To acquire real or personal property, whether tangible or intangible, including without limitation property rights, interests in property, franchises, obligations, contracts, and debt and

equity securities, and to do so by the exercise of the power of eminent domain in accordance with Section 1-21; except that any real property acquired by the exercise of the power of eminent domain must be located within the State.

(7) To sell, convey, lease, exchange, transfer, abandon, or otherwise dispose of, or mortgage, pledge, or create a security interest in, any of its assets, properties, or any interest therein, wherever situated.

(8) To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, or grant a security interest in, use, and otherwise deal in and with, bonds and other obligations, shares, or other securities (or interests therein) issued by others, whether engaged in a similar or different business or activity.

(9) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the Agency under this Act, including contracts with any person, including personal service contracts, or with any local government, State agency, or other entity; and all State agencies and all local governments are authorized to enter into and do all things necessary to perform any such agreement, contract, or other instrument with the Agency. No such agreement, contract, or other instrument shall exceed 40 years.

(10) To lend money, invest and reinvest its funds in accordance with the Public Funds Investment Act, and take and hold real and personal property as security for the payment of funds loaned or invested.

(11) To borrow money at such rate or rates of interest as the Agency may determine, issue its notes, bonds, or other obligations to evidence that indebtedness, and secure any of its obligations by mortgage or pledge of its real or personal property, machinery, equipment, structures, fixtures, inventories, revenues, grants, and other funds as provided or any interest therein, wherever situated.

(12) To enter into agreements with the Illinois Finance Authority to issue bonds whether or not the income therefrom is exempt from federal taxation.

(13) To procure insurance against any loss in connection with its properties or operations in such amount or amounts and from such insurers, including the federal government, as it may deem necessary or desirable, and to pay any premiums therefor.

(14) To negotiate and enter into agreements with trustees or receivers appointed by United States bankruptcy courts or federal district courts or in other proceedings involving adjustment of debts and authorize proceedings involving adjustment of debts and authorize legal counsel for the Agency to appear in any such proceedings.

(15) To file a petition under Chapter 9 of Title 11 of the United States Bankruptcy Code or take other similar action for the adjustment of its debts.

(16) To enter into management agreements for the operation of any of the property or facilities owned by the Agency.

(17) To enter into an agreement to transfer and to transfer any land, facilities, fixtures, or equipment of the Agency to one or more municipal electric systems, governmental aggregators, or rural electric agencies or cooperatives, for such consideration and upon such terms as the Agency may determine to be in the best interest of the citizens of Illinois.

(18) To enter upon any lands and within any building whenever in its judgment it may be necessary for the purpose of making surveys and examinations to accomplish any purpose authorized by this Act.

(19) To maintain an office or offices at such place or places in the State as it may determine.

(20) To request information, and to make any inquiry, investigation, survey, or study that the Agency may deem necessary to enable it effectively to carry out the provisions of this Act.

(21) To accept and expend appropriations.

(22) To engage in any activity or operation that is incidental to and in furtherance of efficient operation to accomplish the Agency's purposes, including hiring employees that the Director deems essential for the operations of the Agency.

(23) To adopt, revise, amend, and repeal rules with respect to its operations, properties, and facilities as may be necessary or convenient to carry out the purposes of this Act, subject to the provisions of the Illinois Administrative Procedure Act and Sections 1-22 and 1-35 of this Act.

(24) To establish and collect charges and fees as described in this Act.

(25) To conduct competitive gasification feedstock procurement processes to procure the

feedstocks for the clean coal SNG brownfield facility in accordance with the requirements of Section 1-78 of this Act.

(26) To review, revise, and approve sourcing agreements and mediate and resolve disputes between gas utilities and the clean coal SNG brownfield facility pursuant to subsection (h-1) of Section 9-220 of the Public Utilities Act.

(27) To review and approve qualified solar power purchase agreements pursuant to Section 1-76 of this Act.

(Source: P.A. 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 97-96, eff. 7-13-11; 97-325, eff. 8-12-11; 97-618, eff. 10-26-11; revised 11-10-11.)

(20 ILCS 3855/1-76 new)

Sec. 1-76. Qualified solar power purchase agreements.

(a) The General Assembly finds that encouraging the development and use of solar energy is in the public interest and consistent with the renewable energy goals of the State. The General Assembly further finds that repurposing and redeveloping brownfield sites owned by municipalities, including in particular those sites that are in need of remedial clean up due to prior contamination, to host solar energy producing facilities is in the economic and environmental interests of the State, those municipalities, and the public.

(b) For a period of one year after the effective date of this amendatory Act of the 97th General Assembly, the Agency shall accept applications from proposed operators of proposed qualified solar remediation facilities to approve a qualified solar power purchase agreement. The Agency shall accept only one application that meets the criteria set forth in this Section. The Agency shall not accept an application that does not meet the criteria set forth in this Section. The application shall include a proposed qualified solar power purchase agreement between the applicant and an electric utility.

(c) Each qualified solar power purchase agreement shall:

(1) include provisions governing the prices paid for electricity generated by the qualified solar remediation facility and for renewable energy credits purchased in connection with the electricity, which prices in aggregate (for both electricity and renewable energy credits) shall not:

(A) exceed 23 cents per kilowatt hour in the first year of the sale thereof pursuant to such qualified solar power purchase agreement; and

(B) increase during the term of the qualified solar power purchase agreement by more than 1.5% per year;

(2) specify a term of no more than 20 years, commencing on the commercial operation date of the facility;

(3) require the facility to be constructed on the specified municipal brownfield site and to achieve the commercial operation date within 5 years after the approval of the qualified solar power purchase agreement by the Agency;

(4) include a representation by the applicant that, from and after the execution of the qualified solar power purchase agreement, any costs incurred in the environmental remediation of the municipal brownfield site, other than for the construction of the qualified solar remediation facility, shall not cause an increase in the prices paid for electricity generated by the qualified solar remediation facility in excess of the prices stated in the proposed qualified solar power purchase agreement;

(5) provide for purchase and sale of the full output of a qualified solar remediation facility consistent with the electric utility's tariffs and practice, but not to exceed a nameplate capacity of 20 megawatts;

(6) require the qualified solar remediation facility to provide to the electric utility, on a day-prior basis, an estimate of the integrated hourly output from the facility and, on a monthly basis, the actual integrated hourly output from the facility; and

(7) provide that the effectiveness of such agreement is contingent upon (i) approval by the Agency pursuant to this Section and (ii) inclusion in a procurement plan that is submitted by the Agency and approved by the Commission.

(d) The Agency shall promptly review an application submitted pursuant to this Section. The Agency shall approve a qualified solar power purchase agreement within 90 days after the Agency has received such an application or before the next submission of the Agency's procurement plan to the Commission, whichever is earlier, unless the Agency finds that the agreement does not conform to the requirements of subsection (c) of this Section. Immediately following the approval of the qualified solar power purchase agreement by the Agency, the Agency shall include and incorporate the qualified solar power purchase agreement and the proposed output in the Agency's procurement plan.

(e) The Commission shall approve the inclusion of the qualified solar power purchase agreement in the Agency's procurement plan, unless the Commission finds that any projected rate increases to eligible

retail electric customers attributable solely to costs incurred by an electric utility pursuant to the qualified solar power purchase agreement violate the requirements of paragraph (2) of subsection (c) of Section 1-75 of this Act. Upon approval of a qualified solar power purchase agreement by the Commission, such qualified solar power purchase agreement shall be executed by the parties and become effective subject to the electric utility's applicable tariffs.

(f) The Agency may assess a fee to the applicant to recover the costs incurred in reviewing the application pursuant to this Section.

(g) All costs incurred by an electric utility pursuant to a qualified solar power purchase agreement approved by the Agency pursuant to this Section, including costs for renewable energy credits purchased in connection with electricity generated by that qualified solar remediation facility and costs incurred in negotiating the agreement and seeking approval by the Agency in accordance with this Section, shall be deemed prudently incurred and reasonable in amount, and the electric utility shall be entitled to full cost recovery pursuant to the tariffs filed with the Commission.

(h) Any renewable energy credits purchased by an electric utility pursuant to a qualified solar power purchase agreement approved by the Agency pursuant to this Section shall count towards the required percentages for solar photovoltaic energy for the purposes of subsection (c) of Section 1-75 of this Act.

(i) The electric utility shall include purchases under the qualified solar power purchase agreement in its portfolio of purchases associated with eligible retail customers, at a value equal to the total of the per-kilowatt-hour cost of on-peak energy, capacity, and solar renewable energy credits associated with renewable energy procured in the most recent power procurement event conducted under Section 1-75 of this Act that included executed contracts for solar renewable energy credits. The value of purchases under the qualified solar power purchase agreement shall be recovered under tariffs approved by the Commission pursuant to subsection (l) of Section 16-111.5 of the Public Utilities Act.

The electric utility shall estimate the kilowatt-hour quantity of qualified solar power purchase agreement energy expected to be acquired in a procurement plan year. The over or under cost recovery mechanism contained in the tariff approved by the Commission pursuant to subsection (l) of Section 16-111.5 of the Public Utilities Act shall reconcile the estimated costs with the actual costs allocated to eligible retail customers by multiplying the per-kilowatt-hour cost established in this Section by the difference between the estimated kilowatt-hour quantity and the actual kilowatt-hour quantity generated by the qualified solar remediation facility.

(j) If the price established by the qualified solar power purchase agreement in conformance with subsection (c) of this Section is different than the value of the purchases under the qualified solar power purchase agreement as determined by subsection (i) of this Section, the difference shall be collected equally from, or credited equally to, all of the electric utility's delivery service customers through a cents per-kilowatt-hour tariff mechanism approved by the Commission. Such tariff mechanism shall be established outside the context of a general rate case or formula rate proceeding. The tariff mechanism each year shall establish an estimated amount to collect or credit and shall contain provisions that ensure that its application does not result in over or under recovery, including, but not limited to, that may be due to changes in qualified solar remediation facility production or customer usage or demand patterns.

The application of subsections (i) and (j) of this Section together shall be construed to permit the electric utility to recover all of its costs incurred to comply with this Section.

(k) Nothing in this Section shall be construed to prohibit the electric utility from recovering prudently incurred costs under this Section from its delivery service customers or bundled service customers.

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.

On motion of Senator Syverson, **Senate Bill No. 3182** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 3183** having been printed, was taken up, read by title a second time.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3183

AMENDMENT NO. 1. Amend Senate Bill 3183 on page 1, by deleting lines 8 through 10; and

on page 1, line 11, by deleting "also".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3183

AMENDMENT NO. 2. Amend Senate Bill 3183 on page 2, by replacing lines 7 and 8, with "Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, any credit union subject to the Illinois Credit Union Act, and any"; and

on page 2, line 9, by replacing "bank or" with "bank,"; and

on page 2, line 10, after "association", by inserting ", savings bank, or credit union".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 3201** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3201

AMENDMENT NO. 1. Amend Senate Bill 3201 on page 1 by replacing lines 20 through 22 with the following:

"(1) obtain from that person a record that contains:

(A) the name, address, and telephone number of the seller of the containers or any consignee of the containers;

(B) a description of the containers, including the number of the containers to be sold; and

(C) the date of the transaction; and"; and

on page 2 by deleting lines 1 through 7; and

on page 2 by replacing lines 14 through 20 with the following:

"shredding, or destroying plastic bulk merchandise containers shall, for each transaction in which the person purchases one or more plastic bulk merchandise containers, record the method of payment used to purchase the containers.".

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3201

AMENDMENT NO. 2. Amend Senate Bill 3201, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Plastic Bulk Merchandise Container Act.

Section 5. Definitions. As used in this Act:

"Bona fide purchaser" means a person who in good faith makes a purchase without notice of any outstanding rights of others.

"Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transportation or storage of goods for sale at retail, including, but not limited to, containers of milk, eggs, or bottled beverage products. For purposes of this definition, a plastic pallet means a plastic portable platform upon which containers, product, or material is placed to facilitate handling.

"Proof of ownership" includes a bill of sale or other evidence showing that an item has been sold to the person possessing the item for fair market value and that the person possessing the item is a bona fide purchaser of the item.

Section 10. Requirements applicable to the sale of plastic bulk merchandise containers.

(a) A person who is purchasing 5 or more plastic bulk merchandise containers from the same person shall:

(1) obtain from that person a record that contains:

(A) the name, address, and telephone number of the seller of the containers or any consignee of the containers;

(B) a description of the containers, including the number of the containers to be sold; and

(C) the date of the transaction; and

(2) verify the identity of the individual selling the containers from a driver's license or other government-issued identification card that includes the individual's photograph, and record the verification.

(b) A person purchasing plastic bulk merchandise containers shall, for each transaction in which the person purchases 5 or more plastic bulk merchandise containers, record the method of payment used to purchase the containers.

Section 15. Records. A person shall retain a record obtained or made under this Act until the first anniversary of the later of the date the containers are purchased or delivered.

Section 20. Applicability. This Act does not apply to the collection, receipt, or recycling of plastic bulk merchandise containers by a licensed waste hauler.

Section 25. Penalty; enforcement.

(a) A person who violates this Act shall be guilty of a petty offense and shall be fined an amount not exceeding $500 for each violation, expect as provided in subsection (b).

(b) A person who purchases or receives $10,000 or more in violation of this Act shall be guilty of a Class 3 felony. Such person shall also be liable for monetary damages to the owner of the stolen plastic bulk merchandise containers in an amount equal to 3 times the replacement value of the stolen plastic bulk merchandise containers. The owner may bring an action in a court of competent jurisdiction for such monetary damages against such a person.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 3210** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 3212** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3212

AMENDMENT NO. __1__. Amend Senate Bill 3212 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by adding Section 223 as follows:

(35 ILCS 5/223 new)

Sec. 223. Brownfield remediation tax credit.

(a) For taxable years beginning on or after January 1, 2012, qualified taxpayers that undertake one or more eligible projects during the taxable year may apply with the Department to obtain a tax credit against the tax imposed under subsections (a) and (b) of Section 201 of this Act. The credit may not exceed 100% of the eligible project costs incurred by the taxpayer during the taxable year. The taxpayer shall be eligible to receive a certificate for 75% of the amount of the credit awarded beginning in the taxable year in which the application is approved and the eligible project costs have been incurred. Except as otherwise provided in this Section with respect to asbestos abatement and lead abatement, the taxpayer may receive a certificate for the remaining 25% of the credits awarded upon receipt of a "No Further Remediation" determination from the Illinois Environmental Protection Agency. For expenses associated with asbestos abatement, the taxpayer may receive a certificate for the remaining 25% of the credits awarded upon receipt of a closure report certified by an independent, third-party asbestos air sampling professional licensed in the State of Illinois. For expenses associated with lead abatement, the taxpayer may receive a certificate for the remaining 25% of the credits awarded upon receipt of a closure report certified by an independent, third-party lead risk assessor licensed in the State of Illinois.

The Department shall distribute the tax credits equitably throughout all geographic regions of the State. The taxpayer may sell, transfer, or assign credits awarded under this Section to other taxpayers or to nonprofit entities, and the credits may be sold, transferred or assigned more than one time by any taxpayer or nonprofit entity. The credits may be bifurcated to be sold, transferred, or assigned to more than one party. The credits are not subject to recapture. If credits that have been sold are subsequently reduced, adjusted, or cancelled, in whole or in part, by the Department or any other applicable agency, only the original qualified taxpayer that was awarded the credits, and not any purchaser of the credits, shall be liable to repay the amount of such reduction, adjustment, or cancellation of the credits.

(b) The tax credit may not reduce the taxpayer's liability to less than zero. If the amount of the tax credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first.

(c) For the purposes of this Section:

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

"Eligible project" means the remodeling, rehabilitation, modernization, or remediation of abandoned or underutilized property located in the State that is contaminated with hazardous substances, petroleum products, asbestos, or lead-based paint, or a combination of those factors, at the time the property is purchased by the taxpayer. The project site must be enrolled in the Illinois Environmental Protection Agency's Site Remediation Program, and the project must be approved by the municipality and the county in which the site is located. The taxpayer must demonstrate that the project will create at least 10 new jobs, retain 25 jobs, or a combination thereof.

"Eligible project costs" include, but are not limited to, costs associated with site assessment and investigation; soil, groundwater, and surface water remediation; asbestos and lead-based paint surveys and abatement; documentation and reporting necessary to meet environmental regulations and obtain closure documentation from the State.

"Qualified taxpayer" means a taxpayer that meets all of the following criteria:

(1) the taxpayer is the owner of the site on which the eligible project will occur;

(2) the taxpayer must be current on all taxes imposed by the State at the time of the application and must have no criminal record; and

(3) the taxpayer must not be the party responsible for the contamination.

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

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

Senate Floor Amendment No. 2 was held in the Committee on Assignments

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

On motion of Senator Holmes, **Senate Bill No. 3245** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 3245

AMENDMENT NO. 2. Amend Senate Bill 3245 by replacing everything after the enacting clause with the following:

"Section 5. The State Records Act is amended by changing Section 9 as follows:

(5 ILCS 160/9) (from Ch. 116, par. 43.12)

Sec. 9. The head of each agency shall establish, and maintain an active, continuing program for the economical and efficient management of the records of the agency.

Such program:

(1) shall provide for effective controls over the creation, maintenance, and use of records in the conduct of current business and shall ensure that agency electronic records, as specified in Section 5-135 of the Electronic Commerce Security Act, are retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for reference for the duration of the retention period; all computer tape or disk maintenance and preservation procedures must be fully applied and, if equipment or programs providing access to the records are updated or replaced, the existing data must remain accessible in the successor format for the duration of the approved retention period;

(2) shall provide for cooperation with the Secretary in appointing a records officer and in applying standards, procedures, and techniques to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) shall provide for compliance with the provisions of this Act and the rules and regulations issued thereunder.

If an agency has delegated its authority to retain records to another agency, then the delegate agency shall maintain, at a minimum, the same record retention methodology and record retention period as the original agency's program.

(Source: P.A. 92-866, eff. 1-3-03.)

Section 10. The Comptroller's Records Act is amended by changing Section 7 as follows:

(15 ILCS 415/7) (from Ch. 15, par. 31)

Sec. 7. Certificate of destruction. Before the destruction of any warrants or records pursuant to this Act, the State Comptroller shall have prepared a certificate setting forth by summary description the warrants or records and the manner, time and place of their destruction. The certificate ~~shall be signed by at least 2 witnesses of such destruction and~~ shall be kept in the permanent files of the Comptroller.

(Source: P.A. 78-592.)

Section 15. The State Finance Act is amended by changing Sections 12 and 25 as follows:

(30 ILCS 105/12) (from Ch. 127, par. 148)

Sec. 12. Each voucher for traveling expenses shall indicate the purpose of the travel as required by applicable travel regulations, shall be itemized and shall be accompanied by all receipts specified in the applicable travel regulations and by a certificate, signed by the person incurring such expense, certifying that the amount is correct and just; that the detailed items charged for subsistence were actually paid; that the expenses were occasioned by official business or unavoidable delays requiring the stay of such person at hotels for the time specified; that the journey was performed with all practicable dispatch by the shortest route usually traveled in the customary reasonable manner; and that such person has not been furnished with transportation or money in lieu thereof; for any part of the journey therein charged for.

Upon written approval by the office of the Comptroller, a State agency may maintain the original travel voucher, the receipts, and the proof of the traveler's signature on the traveler's certification statement at the office of the State agency. However, nothing in this Section shall be construed to exempt a State agency from submitting a detailed travel voucher as prescribed by the office of the Comptroller.

An information copy of each voucher covering a claim by a person subject to the official travel regulations promulgated under Section 12-2 for travel reimbursement involving an exception to the general restrictions of such travel regulations shall be filed with the applicable travel control board which shall consider these vouchers, or a report thereof, for approval. Amounts disbursed for travel reimbursement claims which are disapproved by the applicable travel control board shall be refunded by the traveler and deposited in the fund or account from which payment was made.

(Source: P.A. 84-345.)

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

Sec. 25. Fiscal year limitations.

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

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

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

(b-2) All outstanding liabilities as of June 30, 2010, payable from appropriations that would otherwise expire at the conclusion of the lapse period for fiscal year 2010, and interest penalties payable on those liabilities under the State Prompt Payment Act, may be paid out of the expiring appropriations until December 31, 2010, without regard to the fiscal year in which the payment is made, as long as vouchers for the liabilities are received by the Comptroller no later than August 31, 2010.

(b-2.5) All outstanding liabilities as of June 30, 2011, payable from appropriations that would otherwise expire at the conclusion of the lapse period for fiscal year 2011, and interest penalties payable on those liabilities under the State Prompt Payment Act, may be paid out of the expiring appropriations until December 31, 2011, without regard to the fiscal year in which the payment is made, as long as vouchers for the liabilities are received by the Comptroller no later than August 31, 2011.

(b-2.6) For fiscal years 2012 and 2013, interest penalties payable under the State Prompt Payment Act associated with a voucher for which payment is issued after June 30 may be paid out of the next fiscal year's appropriation. The future year appropriation must be for the same purpose and from the same fund as the original payment. An interest penalty voucher submitted against a future year appropriation must be submitted within 60 days after the issuance of the associated voucher, and the Comptroller must issue the interest payment within 60 days after acceptance of the interest voucher.

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

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

(b-5) Medical payments may be made by the Department of Human Services from its appropriations relating to substance abuse treatment services for any fiscal year, without regard to the fact that the

medical services being compensated for by such payment may have been rendered in a prior fiscal year, provided the payments are made on a fee-for-service basis consistent with requirements established for Medicaid reimbursement by the Department of Healthcare and Family Services, except as required by subsection (j) of this Section. Beginning on June 30, 2021, medical payments made by the Department of Human Services relating to substance abuse treatment services payable from appropriations that have otherwise expired may be paid out of the expiring appropriation during the 4-month period ending at the close of business on October 31.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) $6,000,000,000 for outstanding liabilities related to fiscal year 2012;
(2) $5,300,000,000 for outstanding liabilities related to fiscal year 2013;
(3) $4,600,000,000 for outstanding liabilities related to fiscal year 2014;
(4) $4,000,000,000 for outstanding liabilities related to fiscal year 2015;
(5) $3,300,000,000 for outstanding liabilities related to fiscal year 2016;
(6) $2,600,000,000 for outstanding liabilities related to fiscal year 2017;
(7) $2,000,000,000 for outstanding liabilities related to fiscal year 2018;
(8) $1,300,000,000 for outstanding liabilities related to fiscal year 2019;
(9) $600,000,000 for outstanding liabilities related to fiscal year 2020; and
(10) $0 for outstanding liabilities related to fiscal year 2021 and fiscal years thereafter.

(k) The Comptroller must issue payments against outstanding liabilities that were received prior to the lapse period deadlines set forth in this Section as soon thereafter as practical, but no payment may be issued after the 4 months following the lapse period deadline without the signed authorization of the Comptroller and the Governor.

(Source: P.A. 96-928, eff. 6-15-10; 96-958, eff. 7-1-10; 96-1501, eff. 1-25-11; 97-75, eff. 6-30-11; 97-333, eff. 8-12-11.)

Section 20. The Illinois Procurement Code is amended by changing Section 20-80 as follows:
(30 ILCS 500/20-80)

Sec. 20-80. Contract files.

(a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the chief procurement officer.

(b) Filing with Comptroller. Whenever a grant, defined pursuant to accounting standards established by the Comptroller, or a contract liability, except for: (1) contracts paid from personal services, or (2) contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, exceeding $20,000 ~~$10,000~~ is incurred by any State agency, a copy of the contract, purchase order, grant, or lease shall be filed with the Comptroller within 30 ~~15~~ days thereafter. Beginning January 1, 2013, the Comptroller may require that grants and contracts that must be filed with the Comptroller under this Section shall be filed electronically. For each State contract for goods, supplies, or services awarded on or after July 1, 2010, the contracting agency shall provide the applicable rate and unit of measurement of the goods, supplies, or services on the contract obligation document as required by the Comptroller. If the contract obligation document that is submitted to the Comptroller contains the rate and unit of measurement of the goods, supplies, or services, the Comptroller shall provide that information on his or her official website. Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 30 ~~15~~ days of its execution.

(c) Late filing affidavit. When a contract, purchase order, grant, or lease required to be filed by this Section has not been filed within 30 days of execution, the Comptroller shall refuse to issue a warrant for payment thereunder until the agency files with the Comptroller the contract, purchase order, grant, or lease and an affidavit, signed by the chief executive officer of the agency or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 days of execution. A copy of this affidavit shall be filed with the Auditor General.

(d) Timely execution of contracts. No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Vendors shall not be paid for any goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A chief procurement officer may request an exception to this subsection by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this subsection must be approved by the Comptroller and Treasurer. This Section shall not apply to emergency purchases if notice of the emergency purchase is filed with the Procurement Policy Board and published in the Bulletin as required by this Code.

(e) Method of source selection. When a contract is filed with the Comptroller under this Section, the Comptroller's file shall identify the method of source selection used in obtaining the contract.

(Source: P.A. 96-794, eff. 1-1-10; 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); 96-1000, eff. 7-2-10.)

Section 25. The Governmental Account Audit Act is amended by changing Section 2 as follows:

(50 ILCS 310/2) (from Ch. 85, par. 702)

Sec. 2. Except as otherwise provided in Section 3, the governing body of each governmental unit shall cause an audit of the accounts of the unit to be made by a licensed public accountant. Such audit shall be made annually and shall cover the immediately preceding fiscal year of the governmental unit. The audit shall include all the accounts and funds of the governmental unit, including the accounts of any officer of the governmental unit who receives fees or handles funds of the unit or who spends money of the unit. The audit shall begin as soon as possible after the close of the last fiscal year to which it pertains, and shall be completed and the audit report filed with the Comptroller within 6 months after the close of such fiscal year unless an extension of time is granted by the Comptroller in writing. An audit report which fails to meet the requirements of this Act shall be rejected by the Comptroller and returned to the governing body of the governmental unit for corrective action. The licensed public accountant making the audit shall submit not less than 3 copies of the audit report to the governing body of the governmental unit being audited.

Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

(Source: P.A. 85-1000.)

Section 30. The Counties Code is amended by changing Section 6-31003 as follows:

(55 ILCS 5/6-31003) (from Ch. 34, par. 6-31003)

Sec. 6-31003. Annual audits and reports. In counties having a population of over 10,000 but less than 500,000, the county board of each county shall cause an audit of all of the funds and accounts of the county to be made annually by an accountant or accountants chosen by the county board or by an accountant or accountants retained by the Comptroller, as hereinafter provided. In addition, each county having a population of less than 500,000 shall file with the Comptroller a financial report containing information required by the Comptroller. Such financial report shall be on a form so designed by the Comptroller as not to require professional accounting services for its preparation.

Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

The audit shall commence as soon as possible after the close of each fiscal year and shall be completed within 6 months after the close of such fiscal year, unless an extension of time is granted by the Comptroller in writing. Such extension of time shall not exceed 60 days. When the accountant or accountants have completed the audit a full report thereof shall be made and not less than 2 copies of each audit report shall be submitted to the county board. Each audit report shall be signed by the accountant making the audit and shall include only financial information, findings and conclusions that are adequately supported by evidence in the auditor's working papers to demonstrate or prove, when called upon, the basis for the matters reported and their correctness and reasonableness. In connection with this, each county board shall retain the right of inspection of the auditor's working papers and shall make them available to the Comptroller, or his designee, upon request.

Within 60 days of receipt of an audit report, each county board shall file one copy of each audit report and each financial report with the Comptroller and any comment or explanation that the county board may desire to make concerning such audit report may be attached thereto. An audit report which fails to meet the requirements of this Division shall be rejected by the Comptroller and returned to the county board for corrective action. One copy of each such report shall be filed with the county clerk of the county so audited.

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

Section 35. The Illinois Municipal Code is amended by changing Section 8-8-3 as follows:

(65 ILCS 5/8-8-3) (from Ch. 24, par. 8-8-3)

Sec. 8-8-3. Audit requirements.

(a) The corporate authorities of each municipality coming under the provisions of this Division 8 shall cause an audit of the funds and accounts of the municipality to be made by an accountant or accountants employed by such municipality or by an accountant or accountants retained by the Comptroller, as hereinafter provided.

(b) The accounts and funds of each municipality having a population of 800 or more or having a bonded debt or owning or operating any type of public utility shall be audited annually. The audit herein required shall include all of the accounts and funds of the municipality. Such audit shall be begun as soon as possible after the close of the fiscal year, and shall be completed and the report submitted within 6 months after the close of such fiscal year, unless an extension of time shall be granted by the Comptroller in writing. The accountant or accountants making the audit shall submit not less than 2 copies of the audit report to the corporate authorities of the municipality being audited. Municipalities not operating utilities may cause audits of the accounts of municipalities to be made more often than herein provided, by an accountant or accountants. The audit report of such audit when filed with the Comptroller together with an audit report covering the remainder of the period for which an audit is required to be filed hereunder shall satisfy the requirements of this section.

(c) Municipalities of less than 800 population which do not own or operate public utilities and do not have bonded debt, shall file annually with the Comptroller a financial report containing information required by the Comptroller. Such annual financial report shall be on forms devised by the Comptroller in such manner as to not require professional accounting services for its preparation.

(d) In addition to any audit report required, all municipalities, except municipalities of less than 800 population which do not own or operate public utilities and do not have bonded debt, shall file annually with the Comptroller a supplemental report on forms devised and approved by the Comptroller.

(e) Notwithstanding any provision of law to the contrary, if a municipality (i) has a population of less than 200, (ii) has bonded debt in the amount of $50,000 or less, and (iii) owns or operates a public utility, then the municipality shall cause an audit of the funds and accounts of the municipality to be made by an accountant employed by the municipality or retained by the Comptroller for fiscal year 2011 and every fourth fiscal year thereafter or until the municipality has a population of 200 or more, has

bonded debt in excess of $50,000, or no longer owns or operates a public utility. Nothing in this subsection shall be construed as limiting the municipality's duty to file an annual financial report with the Comptroller or to comply with the filing requirements concerning the county clerk.

(f) Any financial report under this Section shall include the name of the purchasing agent who oversees all competitively bid contracts. If there is no purchasing agent, the name of the person responsible for oversight of all competitively bid contracts shall be listed.

(Source: P.A. 96-1309, eff. 7-27-10.)

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

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3245

AMENDMENT NO. 3. Amend Senate Bill 3245, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 16, by replacing lines 4 through 7 with the following:

"the Comptroller within 30 ~~15~~ days thereafter. Beginning January 1, 2013, the Comptroller may require the documents filed with the Comptroller under this subsection by any State agency that files more than 300 documents under this subsection per fiscal year to be filed electronically. To "file electronically" means to scan into a Portable Document Format (.pdf) or any other electronic format that the Comptroller may prescribe and send to either the Comptroller or a data storage system with an identity protection policy managed by the Comptroller. For each State contract for".

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.

At the hour of 5:45 o'clock p.m., Senator Schoenberg, presiding.

On motion of Senator Frerichs, **Senate Bill No. 3253** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 3232** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Labor, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3232

AMENDMENT NO. 1. Amend Senate Bill 3232 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Section 11a as follows:

(820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

Sec. 11a. The Director of the ~~the~~ Department of Labor shall publish in the Illinois Register no less often than once each calendar quarter a list of contractors or subcontractors found to have disregarded their obligations to employees under this Act. The Department of Labor shall determine the contractors or subcontractors who, on 2 separate occasions within 5 years, have been determined to have violated the provisions of this Act. Upon such determination the Department shall notify the violating contractor or subcontractor. Such contractor or subcontractor shall then have 10 working days to request a hearing by the Department on the alleged violations. Failure to respond within the 10 working day period shall result in automatic and immediate placement and publication on the list. If the contractor or subcontractor requests a hearing within the 10 working day period, the Director shall set a hearing on the alleged violations. Such hearing shall take place no later than 45 calendar days after the receipt by the Department of Labor of the request for a hearing. The Department of Labor is empowered to promulgate, adopt, amend and rescind rules and regulations to govern the hearing procedure. No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation,

partnership or association in which such contractor or subcontractor has an interest until 4 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor.

A contractor or subcontractor convicted or found guilty under Section 5 or 6 of this Act shall be subject to an automatic and immediate debarment, thereafter prohibited from participating in any public works project for 4 years, with no right to a hearing.

(Source: P.A. 97-571, eff. 1-1-12.)".

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

On motion of Senator Martinez, **Senate Bill No. 3279** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3279

AMENDMENT NO. 1. Amend Senate Bill 3279 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Roofing Industry Licensing Act is amended by changing Sections 2, 5, and 11 as follows:

(225 ILCS 335/2) (from Ch. 111, par. 7502)

(Section scheduled to be repealed on January 1, 2016)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Licensure" means the act of obtaining or holding a license issued by the Department as provided in this Act.

(b) "Department" means the Department of Professional Regulation.

(c) "Director" means the Director of Professional Regulation.

(d) "Person" means any individual, partnership, corporation, business trust, limited liability company, or other legal entity.

(e) "Roofing contractor" is one who has the experience, knowledge and skill to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing as related to roofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto, but does not include such contractor's employees to the extent the requirements of Section 3 of this Act apply and extend to such employees.

(f) "Board" means the Roofing Advisory Board.

(g) "Qualifying party" means the individual filing as a sole proprietor, partner of a partnership, officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization.

"Qualifying party" does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(h) "Limited roofing license" means a license made available to contractors whose roofing business is limited to ~~residential~~ roofing~~, including~~ residential properties consisting of 8 units or less.

(i) "Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(j) "Seller of services or materials" means a business entity primarily engaged in the sale of tangible personal property at retail.

(k) "Building permit" means a permit issued by a unit of local government for work performed within the local government's jurisdiction that requires a license under this Act.

(Source: P.A. 95-303, eff. 1-1-08; 96-624, eff. 1-1-10.)

(225 ILCS 335/5) (from Ch. 111, par. 7505)

(Section scheduled to be repealed on January 1, 2016)

Sec. 5. Display of license number; building permits; advertising.

(a) Each State licensed roofing contractor shall affix the roofing contractor license number and the licensee's name, as it appears on the license, to all of his or her contracts and bids. In addition, the

official issuing building permits shall affix the roofing contractor license number to each application for a building permit and on each building permit issued and recorded.

(a-3) A municipality or a county that requires a building permit may not issue a building permit to a roofing contractor unless that contractor has provided sufficient proof that he or she is licensed currently as a roofing contractor by the State. Holders of an unlimited roofing license may be issued permits for residential, commercial, and industrial roofing projects. Holders of a limited roofing license are restricted to permits for work on residential properties consisting of 8 units or less.

(a-5) A person who knowingly, in the course of applying for a building permit with a unit of local government, provides the roofing license number or name of a roofing contractor whom he or she does not intend to have perform the work on the roofing portion of the project commits identity theft under paragraph (8) of subsection (a) of Section 16-30 of the Criminal Code of 1961.

(a-10) A building permit applicant must present a government-issued photo identification along with the building permit application. Except for the name of the individual, all other personal information contained in the government-issued photo identification shall be exempt from disclosure under subsection (c) of Section 7 of the Freedom of Information Act. The official issuing the building permit shall maintain a copy of the photo identification in the building permit file. It is not necessary that the building permit applicant be the qualifying party.

(b) (Blank).

(c) Every holder of a license shall display it in a conspicuous place in his or her principal office, place of business, or place of employment.

(d) No person licensed under this Act may advertise services regulated by this Act unless that person includes in the advertisement the roofing contractor license number and the licensee's name, as it appears on the license. Nothing contained in this subsection requires the publisher of advertising for roofing contractor services to investigate or verify the accuracy of the license number provided by the licensee.

(e) A person who advertises services regulated by this Act who knowingly (i) fails to display the license number and the licensee's name, as it appears on the license, in any manner required by this Section, (ii) fails to provide a publisher with the correct license number as required by subsection (d), or (iii) provides a publisher with a false license number or a license number of another person, or a person who knowingly allows his or her license number to be displayed or used by another person to circumvent any provisions of this Section, is guilty of a Class A misdemeanor with a fine of $1,000, and, in addition, is subject to the administrative enforcement provisions of this Act. Each day that an advertisement runs or each day that a person knowingly allows his or her license to be displayed or used in violation of this Section constitutes a separate offense.

(Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10; 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; revised 9-30-11.)

(225 ILCS 335/11) (from Ch. 111, par. 7511)

(Section scheduled to be repealed on January 1, 2016)

Sec. 11. Application of Act.

(1) Nothing in this Act limits the power of a municipality, city or county to regulate the quality and character of work performed by roofing contractors through a system of permits, fees, and inspections which are designed to secure compliance with and aid in the implementation of State and local building laws or to enforce other local laws for the protection of the public health and safety.

(2) Nothing in this Act shall be construed to require a seller of roofing materials or services to be licensed as a roofing contractor when the construction, reconstruction, alteration, maintenance or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

(3) Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work to his or her own property, or for no consideration, to be licensed as a roofing contractor.

(4) Nothing in this Act shall be construed to require a person who performs roofing or waterproofing work to his or her employer's property to be licensed as a roofing contractor, where there exists an employer-employee relationship. Nothing in this Act shall be construed to apply to the installation of plastics, glass or fiberglass to greenhouses and related horticultural structures, or to the repair or construction of farm buildings.

(5) Nothing in this Act limits the power of a municipality, city, or county to collect occupational license and inspection fees for engaging in roofing contracting.

(6) Nothing in this Act limits the power of the municipalities, cities or counties to adopt any system of permits requiring submission to and approval by the municipality, city, or county of plans and specifications for work to be performed by roofing contractors before commencement of the work.

(7) Any official authorized to issue building or other related permits shall ascertain that the applicant contractor is duly licensed before issuing the permit. The evidence shall consist only of the exhibition to

him or her of current evidence of licensure.

(8) This Act applies to any roofing contractor performing work for the State or any county or municipality. Officers of the State or any county or municipality are required to determine compliance with this Act before awarding any contracts for construction, improvement, remodeling, or repair.

(9) If an incomplete contract exists at the time of death of a contractor, the contract may be completed by any person even though not licensed. Such person shall notify the Department within 30 days after the death of the contractor of his or her name and address. For the purposes of this subsection, an incomplete contract is one which has been awarded to, or entered into by, the contractor before his or her death or on which he or she was the low bidder and the contract is subsequently awarded to him or her regardless of whether any actual work has commenced under the contract before his or her death.

(10) The State or any county or municipality may require that bids submitted for roofing construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that that bidder holds an appropriate license issued pursuant to this Act.

(11) (Blank). ~~A municipality that requires a building permit or a county that requires a building permit may not issue a building permit to a roofing contractor unless that contractor has provided sufficient proof that he or she is licensed currently as a roofing contractor by the State of Illinois.~~

(Source: P.A. 89-387, eff. 1-1-96; 90-55, eff. 1-1-98.)

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

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3279

AMENDMENT NO. 2. Amend Senate Bill 3279, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, by replacing lines 25 and 26 with the following: "The official issuing the building permit shall maintain the name and photo identification number, as it appears on the government-issued photo identification, in the building permit application file. It is"; and

on page 5, line 2, after "party.", by inserting "This subsection shall not apply to a county or municipality whose building permit process occurs through electronic means.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 3282** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 3283** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3283

AMENDMENT NO. 1. Amend Senate Bill 3283 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 52.4 as follows:

(415 ILCS 5/52.4 new)

Sec. 52.4. Airborne emission reduction study. The Agency shall conduct a study comparing the airborne emission reductions of coal-fired electric generating units within the State of Illinois between 1990 and 2012 and forecasting additional reductions for the period from 2013 to 2020. The Agency shall identify where and how Agency policies have led to airborne emission reductions and are likely to lead to additional reductions going forward and which Illinois regulations are unnecessary because of more stringent State or federal regulations. The Agency shall consult with the owner of each coal-fired electric generating unit in the State when compiling this information.

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

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

At the hour of 5:51 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 6:00 o'clock p.m. the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 27, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Floor Amendment No. 1 to Senate Bill 2778; Senate Floor Amendment No. 4 to Senate Bill 3359**.

Environment: **Senate Floor Amendment No. 1 to Senate Bill 3672**.

Executive: **Senate Floor Amendment No. 1 to Senate Bill 2643**; **HOUSE BILL 2009**.

Judiciary: **Senate Floor Amendment No. 2 to Senate Bill 3204**.

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 551; Senate Floor Amendment No. 2 to Senate Bill 2895; Senate Floor Amendment No. 3 to Senate Bill 3183**.

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 410; Senate Floor Amendment No. 1 to Senate Bill 2958; Senate Floor Amendment No. 2 to Senate Bill 3212**.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 27, 2012 meeting, reported that the Committee recommends that **Senate Floor Amendment No. 1 to Senate Bill No. SB 1064** be re-referred from the Committee on Labor to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 27, 2012 meeting, reported that the Committee recommends that **Senate Floor Amendment No. 3 to Senate Bill No. 2491** be re-referred from the Committee on State Government and Veterans Affairs to the Committee on Executive.

COMMITTEE MEETING ANNOUNCEMENTS FOR MARCH 28, 2012

The Chair announced the following committee to meet at 8:30 o'clock a.m.:

Judiciary in Room 400

The Chair announced the following committees to meet at 9:00 o'clock a.m.:

Criminal Law in Room 212
Environment in Room 400
Local Government in Room 409

The Chair announced the following committees to meet at 9:30 o'clock a.m.:

Executive in Room 212

Revenue in Room 400

CONSIDERATION OF MOTION IN WRITING

Pursuant to Motion in Writing filed March 23, 2012, Senator Haine moved that pursuant to Senate Rule 5-6 and 5-7 respectively, Senate Bill 3798 be moved from the order of Second to Third Reading.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Righter
Bivins	Haine	Link	Sandack
Bomke	Harmon	Maloney	Sandoval
Clayborne	Holmes	Martinez	Schmidt
Collins, A.	Hunter	McCann	Schoenberg
Collins, J.	Hutchinson	McGuire	Silverstein
Crotty	Jacobs	Mulroe	Steans
Cultra	Johnson, C.	Muñoz	Sullivan
Delgado	Jones, E.	Murphy	Syverson
Dillard	Jones, J.	Noland	Trotter
Duffy	Koehler	Pankau	Mr. President
Forby	Kotowski	Raoul	
Frerichs	Lauzen	Rezin	

The motion, having received a vote of three-fifths of the members elected, prevailed.
And **Senate Bill No. 3798** was ordered to a third reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Harmon, **Senate Bill No. 3304,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3305,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3306,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3307,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3308,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3309,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3310,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3311,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3312,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3313,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **Senate Bill No. 3318** having been printed, was taken up, read by title a second time.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3318

AMENDMENT NO. 1. Amend Senate Bill 3318 on page 3, by replacing lines 4 through 9 with the following:

"(10.5) A provision stating that, in the event the contractor finds it necessary, proper, or desirable to enter into subcontracts with one or more design-build entities, then it must follow a selection process that is, to the greatest extent possible, identical to the selection process contained in the Design-Build Procurement Act;".

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.

On motion of Senator Harmon, **Senate Bill No. 3332** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 3332

AMENDMENT NO. 1. Amend Senate Bill 3332 by replacing everything after the enacting clause with the following:

"Section 5. The Public Officer Prohibited Activities Act is amended by changing Section 1 and by adding Section 0.05 as follows:

(50 ILCS 105/0.05 new)

Sec. 0.05. Legislative findings. The General Assembly finds and declares that questions raised regarding the legality of simultaneously holding the office of county board member and elected office of another unit of local government are unwarranted; that the General Assembly viewed the elected office of another unit of local government and the office of county board member as compatible; and that to settle the question of legality and avoid confusion among such counties and other units of local government as may be affected by such questions it is lawful to hold the office of county board member simultaneously with an elected office of another unit of local government, in accordance with this Act.

(50 ILCS 105/1) (from Ch. 102, par. 1)

Sec. 1. County board. An elected county official may hold elected office in another unit of local government, as long as there is no disqualifying contractual relationship between the county and the other unit of local government. A disqualifying contractual relationship is a contractual relationship that is not available to other units of local government in that county. A general contractual relationship that is available to other units of local government in that county, including but not limited to contracts involving Homeland Security programs, emergency management and assistance, storm water management and assistance, environmental protection or enhancement, energy conservation programs, mutual aid agreements regarding crime prevention or law enforcement activities, or any grants that are administered by a county or unit of local government funded by either the federal or State government, is not a disqualifying contractual relationship, and an elected county official may hold elected office in another unit of local government, provided that the elected county official shall not vote on the proposition for entering into the general contractual relationship in his or her capacity as an elected county official or an elected officer of a unit of local government. Except as otherwise provided in this Act, if there is a disqualifying contractual relationship between the county and the other unit of local government, then no ~~No~~ member of a county board, during the term of office for which he or she is elected, unless he or she first resigns from the office of county board member or unless the holding of

another office is authorized by law, may be appointed to, accept, or hold any other office. Any such prohibited appointment or election is void. Notwithstanding the above, any county board member may be appointed to, accept, or hold the office of ~~any office other than~~ (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member, (ii) alderman of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, or (iii) trustee of a forest preserve district created under Section 18.5 of the Conservation District Act~~, unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void~~. This Section shall not preclude a member of the county board from being selected or from serving as a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law, as a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act, or as appointed members of the board of review as provided in Section 6-30 of the Property Tax Code. ~~Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government.~~ Public Act 89-89 and this amendatory Act of the 97th General Assembly are ~~This amendatory Act of 1995 is~~ declarative of existing law and are ~~is~~ not ~~a~~ new enactments ~~enactment~~.
(Source: P.A. 94-617, eff. 8-18-05.)

Section 10. The Public Officer Simultaneous Tenure Act is amended by changing Section 1 and by adding Sections 4 and 5 as follows:

(50 ILCS 110/1) (from Ch. 102, par. 4.10)

Sec. 1. Legislative findings; purpose). The General Assembly finds and declares that questions raised regarding the legality of simultaneously holding the office of county board member and township supervisor or elected office of another unit of local government are unwarranted, and in counties of less than 100,000 population such questions regarding the legality of simultaneously holding the office of county board member and township trustee are unwarranted; that the General Assembly viewed the office of township supervisor or elected office of another unit of local government, and in counties of less than 100,000 population the office of township trustee, and the office of county board member as compatible; and that to settle the question of legality and avoid confusion among such counties and townships as may be affected by such questions it is lawful to hold the office of county board member simultaneously with the office of township supervisor or elected office of another unit of local government, and in counties of less than 100,000 population with the office of township trustee, in accordance with this Act.
(Source: P.A. 82-554.)

(50 ILCS 110/4 new)

Sec. 4. Simultaneous tenure declared to be lawful. An elected county official, including but not limited to an elected county board member, may simultaneously serve as an elected official in another unit of local government, as long as there is no disqualifying contractual relationship between the county and the other unit of local government. A disqualifying contractual relationship is a contractual relationship that is not available to other units of local government in that county. A general contractual relationship that is available to other units of local government in that county, including but not limited to contracts involving Homeland Security programs, emergency management and assistance, storm water management and assistance, environmental protection or enhancement, energy conservation programs, mutual aid agreements regarding crime prevention or law enforcement activities, or any grants that are administered by a county or unit of local government funded by either the federal or State government, is not a disqualifying contractual relationship, and an elected county official may hold elected office in another unit of local government, provided that the elected county official shall not vote on the proposition for entering into the general contractual relationship in his or her capacity as an elected county official or an elected officer of a unit of local government.

(50 ILCS 110/5 new)

Sec. 5. Actions of elected official. All actions of a person, as an elected official of another unit of local government or county board member, that are otherwise in accordance with law, are hereby validated.

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

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

On motion of Senator Dillard, **Senate Bill No. 3341** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Commerce, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3341

AMENDMENT NO. 1. Amend Senate Bill 3341 on page 2 by inserting immediately below line 17 the following:

"(c) A person who is in the business of purchasing precious metal shall provide a copy of the information required to be obtained under subdivision (a)(1)(B) of this Section to the parties as specified in this subsection. The copy shall be delivered before the hour of 12 o'clock noon the day after any day the person conducts business and shall contain the information acquired by the person the immediately preceding day the person conducted business. A person who is in the business of purchasing precious metal in a county with fewer than 3,000,000 inhabitants shall submit the copy to the sheriff of that county. In municipalities having a population of 25,000 or more inhabitants that are located in counties with fewer than 3,000,000 inhabitants, a copy shall also be submitted to municipal police department. In municipalities located in counties with 3,000,000 or more inhabitants, the report shall be submitted to the municipal police department. In counties with 3,000,000 or more inhabitants, a person in the business of purchasing precious metal whose business is located in an unincorporated area of the county shall submit the copy to the sheriff. The copy may be made by computer print out or input memory device if the format has been approved by the entity receiving the copy."; and

on page 3, line 3, by changing "General" to "General, local police department, and sheriff"; and

on page 3 by inserting immediately below line 6 the following:

"Section 25. Exemption. This Act does not apply to persons licensed under the Pawnbroker Regulation Act.".

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

On motion of Senator Raoul, **Senate Bill No. 3349** having been printed, was taken up, read by title a second time.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3349

AMENDMENT NO. 1. Amend Senate Bill 3349 on page 39, line 2, by replacing "Probation" with "Program"; and

by inserting immediately below line 2 the following:

"(a) Statement of purpose. The General Assembly seeks to continue other successful programs that promote public safety, conserve valuable resources, and reduce recidivism by defendants who can lead productive lives by creating the Offender Initiative Program."; and

on page 39, line 3, by replacing "(a)" with "(a-1)"; and

on page 39, lines 6 and 7, by replacing "pleads guilty to, or is found guilty of," with "is charged with or indicted for,"; and

on page 39, by replacing lines 12 and 13 with the following:
"of the defendant and the State's Attorney, may continue this matter to allow a defendant to participate and complete the Offender Initiative Program."; and

on page 39, line 14, by replacing "(a-1)" with "(a-2)"; and

on page 39, line 15, by replacing "probation" with "Program"; and

on page 39, lines 15 and 16, by replacing "pled guilty to, or has been found guilty of," with "been charged with or indicted for,"; and

on page 39, line 17, by replacing "probation" with "Program"; and

on page 39, line 25, by replacing "probation" with "Program"; and

on page 40, line 3, by replacing "on probation" with "in the Program"; and

on page 40, line 4, by replacing "probation" with "the Program"; and

on page 40, line 8, by replacing "probation" with "the Program"; and

on page 40, line 9, by replacing "probation" with "the Program"; and

on page 40, line 21, by inserting "and" after ";"; and

on page 40, line 26, by replacing "; and" with "."; and

on page 41, by deleting lines 1 through 4; and

on page 41, line 10, by replacing "probation" with "the Program"; and

on page 41, line 23, by deleting "or"; and

on page 41, by inserting immediately below line 23 the following:
"(6) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the Program, with the cost of the testing to be paid by the defendant."; and

on page 41, line 24, by replacing "(6)" with "(7)"; and

on page 42, line 6, by replacing "probation" with "the Program"; and

on page 42, line 10, by replacing "probation" with "the Program"; and

on page 42, line 12, by replacing "of probation" with "ordering the defendant to participate in the Program"; and

on page 42, line 14, by replacing "probation" with "the Program".

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.

On motion of Senator Raoul, **Senate Bill No. 3354** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 3368** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 3373** having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was postponed in the Committee on Local Government earlier today.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3373

AMENDMENT NO. 2. Amend Senate Bill 3373 by replacing everything after the enacting clause with the following:

"Section 5. The State Fire Marshal Act is amended by changing Section 2.7 as follows:

(20 ILCS 2905/2.7)

Sec. 2.7. Small Fire-fighting and Ambulance Service Equipment Grant Program.

(a) The Office shall establish and administer a Small Fire-fighting and Ambulance Service Equipment Grant Program to award grants to fire departments, fire protection districts, and volunteer, non-profit, stand alone ambulance services for the purchase of small fire-fighting and ambulance equipment.

(b) (Blank). ~~The Fire Service and Small Equipment Fund is created as a special fund in the State treasury. From appropriations, the Office may expend moneys from the Fund for the grant program under subsection (a) of this Section. Moneys received for the purposes of this Section, including, without limitation, proceeds deposited under the Fire Investigation Act and gifts, grants, and awards from any public or private entity must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.~~

(b-1) The Fire Service and Small Equipment Fund is dissolved. Any moneys remaining in the Fund on the effective date of this amendatory Act of the 97th General Assembly shall be transferred to the Fire Prevention Fund.

(c) As used in this Section, "small fire-fighting and ambulance equipment" includes, without limitation, turnout gear, air packs, thermal imaging cameras, jaws of life, defibrillators, communications equipment, including but not limited to pagers and radios, and other fire-fighting or life saving equipment, as determined by the State Fire Marshal.

(d) The Office shall adopt any rules necessary for the implementation and administration of this Section.

(Source: P.A. 95-717, eff. 4-8-08; 96-386, eff. 8-13-09.)

Section 10. The Illinois Finance Authority Act is amended by changing Sections 825-80, 825-81, and 825-85 and by adding Section 825-87 as follows:

(20 ILCS 3501/825-80)

Sec. 825-80. Fire truck revolving loan program.

(a) This Section is a continuation and re-enactment of the fire truck revolving loan program enacted as Section 3-27 of the Rural Bond Bank Act by Public Act 93-35, effective June 24, 2003, and repealed by Public Act 93-205, effective January 1, 2004. Under the Rural Bond Bank Act, the program was administered by the Rural Bond Bank and the State Fire Marshal.

(b) The Authority and the State Fire Marshal may ~~shall~~ jointly administer a fire truck revolving loan program. The program shall , in instances where sufficient loan funds exist to permit applications to be accepted, provide financial support, including zero-interest and low-interest loans, for the purchase of fire trucks by a fire department, a fire protection district, or a township fire department. The Authority shall provide support ~~make loans~~ based on need, as determined by the State Fire Marshal.

(c) The loan funds, subject to appropriation, shall be paid out of the Fire Truck Revolving Loan Fund, a special fund in the State Treasury. The Fund shall consist of any moneys transferred or appropriated into the Fund, as well as all repayments of loans made under the program and any balance existing in the Fund on the effective date of this Section. The Fund shall be used for loans to fire departments and fire protection districts to purchase fire trucks and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund. As soon as practical after the effective date of this amendatory Act of the 97th General Assembly, all moneys in the Fire Truck Revolving Loan Fund shall be paid by the State Fire Marshal to the Authority, and, on and after the effective date of this amendatory Act of the 97th General Assembly, all future moneys deposited into the Fire Truck Revolving Loan Fund under this Section shall be paid by the State Fire Marshal to the Authority under the continuing appropriation provision of subsection (c-1) of this Section; provided that the Authority and the State Fire Marshal enter into an intergovernmental agreement to use the moneys transferred to the Authority from the Fund solely for the purposes for which the moneys would otherwise be used under this Section and to set forth procedures to otherwise administer the use of the moneys.

(c-1) There is hereby appropriated, on a continuing annual basis in each fiscal year, from the Fire Truck Revolving Loan Fund, the amount, if any, of funds received into the Fire Truck Revolving Loan Fund to the State Fire Marshal for payment to the Authority for the purposes for which the moneys would otherwise be used under this Section.

(d) A loan for the purchase of fire trucks may not exceed $250,000 to any fire department or fire

protection district. The repayment period for the loan may not exceed 20 years. The fire department or fire protection district shall repay each year at least 5% of the principal amount borrowed or the remaining balance of the loan, whichever is less. All repayments of loans shall be deposited into the Fire Truck Revolving Loan Fund.

(e) The Authority and the State Fire Marshal may ~~shall~~ adopt rules in accordance with the Illinois Administrative Procedure Act to administer the program.

(f) Notwithstanding the repeal of Section 3-27 of the Rural Bond Bank Act, all otherwise lawful actions taken on or after January 1, 2004 and before the effective date of this Section by any person under the authority originally granted by that Section 3-27, including without limitation the granting, acceptance, and repayment of loans for the purchase of fire trucks, are hereby validated, and the rights and obligations of all parties to any such loan are hereby acknowledged and confirmed.

(Source: P.A. 94-221, eff. 7-14-05.)

(20 ILCS 3501/825-81)

Sec. 825-81. Fire station revolving loan program.

(a) The Authority and the State Fire Marshal may jointly administer a fire station revolving loan program. The program shall, in instances where sufficient loan funds exist to permit applications to be accepted, ~~may~~ provide financial support, including zero-interest and low-interest loans, for the construction, rehabilitation, remodeling, or expansion of a fire station or the acquisition of land for the construction or expansion of a fire station by a fire department, a fire protection district, or a township fire department. Once the program receives funding, the Authority shall provide support ~~make loans~~ based on need, as determined by the State Fire Marshal.

(b) The loan funds, subject to appropriation, may be paid out of the Fire Station Revolving Loan Fund, a special fund in the State treasury. The Fund may consist of any moneys transferred or appropriated into the Fund, as well as all repayments of loans made under the program. Once the program receives funding, the Fund may be used for loans to fire departments and fire protection districts to construct, rehabilitate, remodel, or expand fire stations or acquire land for the construction or expansion of fire stations and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund. As soon as practical after the effective date of this amendatory Act of the 97th General Assembly, all moneys in the Fire Station Revolving Loan Fund shall be paid by the State Fire Marshal to the Authority, and, on and after the effective date of this amendatory Act of the 97th General Assembly, all future moneys deposited into the Fire Station Revolving Loan Fund under this Section shall be paid by the State Fire Marshal to the Authority under the continuing appropriation provision of subsection (b-1) of this Section; provided that the Authority and the State Fire Marshal enter into an intergovernmental agreement to use the moneys paid by the State Fire Marshal to the Authority from the Fund solely for the purposes for which the moneys would otherwise be used under this Section and to set forth procedures to otherwise administer the use of the moneys.

(b-1) There is hereby appropriated, on a continuing annual basis in each fiscal year, from the Fire Station Revolving Loan Fund, the amount, if any, of funds received into the Fire Station Revolving Loan Fund to the State Fire Marshal for payment to the Authority for the purposes for which the moneys would otherwise be used under this Section.

(c) A loan under the program may not exceed $2,000,000 to any fire department or fire protection district. The repayment period for the loan may not exceed 25 years. The fire department or fire protection district shall repay each year at least 4% of the principal amount borrowed or the remaining balance of the loan, whichever is less. All repayments of loans shall be deposited into the Fire Station Revolving Loan Fund.

(d) The Authority and the State Fire Marshal may adopt rules in accordance with the Illinois Administrative Procedure Act to administer the program.

(Source: P.A. 96-135, eff. 8-7-09; 96-1172, eff. 7-22-10.)

(20 ILCS 3501/825-85)

Sec. 825-85. Ambulance revolving loan program.

(a) The Authority and the State Fire Marshal may ~~shall~~ jointly administer an ambulance revolving loan program. The program shall , in instances where sufficient loan funds exist to permit applications to be accepted, provide financial support, including zero-interest and low-interest loans, for the purchase of ambulances by a fire department, a fire protection district, a township fire department, or a non-profit ambulance service. The Authority shall provide support ~~make loans~~ based on need, as determined by the State Fire Marshal.

(b) The loan funds, subject to appropriation, shall be paid out of the Ambulance Revolving Loan Fund, a special fund in the State treasury. The Fund shall consist of any moneys transferred or appropriated into the Fund, as well as all repayments of loans made under the program. The Fund shall

be used for loans to fire departments, fire protection districts, and non-profit ambulance services to purchase ambulances and for no other purpose. All interest earned on moneys in the Fund shall be deposited into the Fund. As soon as practical after the effective date of this amendatory Act of the 97th General Assembly, all moneys in the Ambulance Revolving Loan Fund shall be paid by the State Fire Marshal to the Authority, and, on and after the effective date of this amendatory Act of the 97th General Assembly, all future moneys deposited into the Ambulance Revolving Loan Fund under this Section shall be paid by the State Fire Marshal to the Authority under the continuing appropriation provision of subsection (b-1) of this Section; provided that the Authority and the State Fire Marshal enter into an intergovernmental agreement to use the moneys transferred to the Authority from the Fund solely for the purposes for which the moneys would otherwise be used under this Section and to set forth procedures to otherwise administer the use of the moneys.

(b-1) There is hereby appropriated, on a continuing annual basis in each fiscal year, from the Ambulance Revolving Loan Fund, the amount, if any, of funds received into the Ambulance Revolving Loan Fund to the State Fire Marshal for payment to the Authority for the purposes for which the moneys would otherwise be used under this Section.

(c) A loan for the purchase of ambulances may not exceed $100,000 to any fire department, fire protection district, or non-profit ambulance service. The repayment period for the loan may not exceed 10 years. The fire department, fire protection district, or non-profit ambulance service` shall repay each year at least 5% of the principal amount borrowed or the remaining balance of the loan, whichever is less. All repayments of loans shall be deposited into the Ambulance Revolving Loan Fund.

(d) The Authority and the State Fire Marshal may ~~shall~~ adopt rules in accordance with the Illinois Administrative Procedure Act to administer the program.

(Source: P.A. 94-829, eff. 6-5-06.)

(20 ILCS 3501/825-87 new)

Sec. 825-87. Public life safety capital investment finance program.

(a) In addition to the powers set forth in Sections 825-80, 825-81, and 825-85 of this Act and in furtherance of the purposes and programs set forth in those Sections, the Authority may use loans and guarantees as authorized in this Act to maximize the number of participants in the programs and to maximize the efficient use of taxpayer appropriated funds. The moneys identified in Sections 825-80, 825-81, and 825-85 of this Act shall be used by the Authority only for the express purposes described in those Sections.

(b) The Authority, after consulting with the State Fire Marshal, may determine the financial structure, including but not limited to the terms, conditions, collateral, maturity, and interest rate, of loans or guarantees authorized by the programs under Sections 825-80, 825-81, and 825-85 of this Act.

(c) The Authority and the State Fire Marshal may access the moneys referenced in Sections 825-80, 825-81, and 825-85 of this Act and may fix, determine, charge, and collect fees, in connection with the programs under Sections 825-80, 825-81 and 825-85 of this Act and in furtherance of the purposes set forth in this Section.

(d) The Authority and the State Fire Marshal may adopt rules in accordance with the Illinois Administrative Procedure Act to administer the programs under this Section.

(30 ILCS 105/5.712 rep.)

Section 15. The State Finance Act is amended by repealing Section 5.712.

Section 20. The Fire Investigation Act is amended by changing Section 13.1 as follows:

(425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

Sec. 13.1. Fire Prevention Fund.

(a) There shall be a special fund in the State Treasury known as the Fire Prevention Fund.

(b) The following moneys shall be deposited into the Fund:

(1) Moneys received by the Department of Insurance under Section 12 of this Act.

(2) All fees and reimbursements received by the Office of the State Fire Marshal.

(3) All receipts from boiler and pressure vessel certification, as provided in Section 13 of the Boiler and Pressure Vessel Safety Act.

(4) Such other moneys as may be provided by law.

(c) The moneys in the Fire Prevention Fund shall be used, subject to appropriation, for the following purposes:

(1) Of the moneys deposited into the fund under Section 12 of this Act, 12.5% shall be available for the maintenance of the Illinois Fire Service Institute and the expenses, facilities, and structures incident thereto, and for making transfers into the General Obligation Bond Retirement and Interest Fund for debt service requirements on bonds issued by the State of Illinois after January 1,

1986 for the purpose of constructing a training facility for use by the Institute. An additional 2.5% of the moneys deposited into the Fire Prevention Fund shall be available to the Illinois Fire Service Institute for support of the Cornerstone Training Program.

(2) Of the moneys deposited into the Fund under Section 12 of this Act, 10% shall be available for the maintenance of the Chicago Fire Department Training Program and the expenses, facilities and structures incident thereto, in addition to any moneys payable from the Fund to the City of Chicago pursuant to the Illinois Fire Protection Training Act.

(3) For making payments to local governmental agencies and individuals pursuant to Section 10 of the Illinois Fire Protection Training Act.

(4) For the maintenance and operation of the Office of the State Fire Marshal, and the expenses incident thereto.

(4.5) For the maintenance, operation, and capital expenses of the Mutual Aid Box Alarm System (MABAS).

(4.6) For grants awarded by the Small Fire-fighting and Ambulance Service Equipment Grant Program established by Section 2.7 of the State Fire Marshal Act.

(5) For any other purpose authorized by law.

(c-5) As soon as possible after the effective date of this amendatory Act of the 95th General Assembly, the Comptroller shall order the transfer and the Treasurer shall transfer $2,000,000 from the Fire Prevention Fund to the Fire Service and Small Equipment Fund, $9,000,000 from the Fire Prevention Fund to the Fire Truck Revolving Loan Fund, and $4,000,000 from the Fire Prevention Fund to the Ambulance Revolving Loan Fund. Beginning on July 1, 2008, each month, or as soon as practical thereafter, an amount equal to $2 from each fine received shall be transferred from the Fire Prevention Fund to the Fire Service and Small Equipment Fund, an amount equal to $1.50 from each fine received shall be transferred from the Fire Prevention Fund to the Fire Truck Revolving Loan Fund, and an amount equal to $4 from each fine received shall be transferred from the Fire Prevention Fund to the Ambulance Revolving Loan Fund. These moneys shall be transferred from the moneys deposited into the Fire Prevention Fund pursuant to Public Act 95-154, together with not more than 25% of any unspent appropriations from the prior fiscal year. These moneys may be allocated to the Fire Truck Revolving Loan Fund, Ambulance Revolving Loan Fund, and Fire Service and Small Equipment Fund at the discretion of the Office of the State Fire Marshal for the purpose of implementation of this Act.

(d) Any portion of the Fire Prevention Fund remaining unexpended at the end of any fiscal year which is not needed for the maintenance and expenses of the Office of the State Fire Marshal or the maintenance and expenses of the Illinois Fire Service Institute, shall remain in the Fire Prevention Fund for the exclusive and restricted uses provided in subsections (c) and (c-5) of this Section.

(e) The Office of the State Fire Marshal shall keep on file an itemized statement of all expenses incurred which are payable from the Fund, other than expenses incurred by the Illinois Fire Service Institute, and shall approve all vouchers issued therefor before they are submitted to the State Comptroller for payment. Such vouchers shall be allowed and paid in the same manner as other claims against the State.

(Source: P.A. 96-286, eff. 8-11-09; 96-1176, eff. 7-22-10; 97-114, eff. 1-1-12.)

Section 25. The Unified Code of Corrections is amended by changing Section 5-9-1.12 as follows:

(730 ILCS 5/5-9-1.12)

Sec. 5-9-1.12. Arson fines.

(a) In addition to any other penalty imposed, a fine of $500 shall be imposed upon a person convicted of the offense of arson, residential arson, or aggravated arson.

(b) The additional fine shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case. Each such additional fine shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer for deposit into the Fire Prevention ~~Service and Small Equipment~~ Fund. The Circuit Clerk shall retain 10% of such fine to cover the costs incurred in administering and enforcing this Section. The additional fine may not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Arson fines that were previously deposited into the Fire Prevention Fund prior to the adoption of Public Act 96-400 shall be used according to the purposes established in Section 13.1 of the Fire Investigation Act.

(c) (Blank) ~~The moneys in the Fire Service and Small Equipment Fund collected as additional fines under this Section shall be distributed by the Office of the State Fire Marshal as appropriated and according to the rules set forth and adopted under the Emergency Services Response Reimbursement for Criminal Convictions Act~~.

(d) (Blank).
(Source: P.A. 95-331, eff. 8-21-07; 96-400, eff. 8-13-09.)".

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.

On motion of Senator Pankau, **Senate Bill No. 3402** having been printed, was taken up, read by title a second time.

Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments

Senator Pankau offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3402

AMENDMENT NO. _3_. Amend Senate Bill 3402 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Technology Development District Act.

Section 3. Purpose. In order to better utilize community resources, including those of schools and libraries, municipalities may develop technology development districts. These districts would aid in the redevelopment of older communities that use antiquated technology infrastructure, educational development, and make communities more competitive and technologically inviting.

The use of tax revenues derived from the tax rates of various taxing districts in development project areas for the payment of development project costs is of benefit to said taxing districts, all surplus tax revenues are turned over to the taxing districts in development project areas, and all said districts benefit from the development of technology infrastructure.

Section 5. Definitions.

"Development district" means a technology development district.

"Development plan" means a development plan required for the creation of a technology development district pursuant to Section 10 of this Act.

"Development project" means any public or private development project in furtherance of the objectives of a development plan.

"Development project area" means an area designated by the municipality for a development project.

"Development project costs" means and includes the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any costs incidental to a development plan and a development project.

"Municipality" means a city, village, or township.

"Obligations" mean bonds, loans, debentures, notes, special certificates, or other evidence of indebtedness issued by the municipality to carry out a development project or to refund outstanding obligations.

"Services" means any improvements and facilities provided for in the development plan of a development district as approved by the corporate authorities of a municipality, including both on-site improvements and off-site improvements that directly or indirectly benefit the development district, and necessary or incidental work, whether newly constructed, renovated, or existing. "Services" includes electrical and energy generation facilities and upgrades, inspection, construction management, and program management costs, high-tech manufacturing facilities, community outreach programs and facilities, educational equipment, and technology parks. "Services" also includes equipment and inside wiring or cable used and controlled by a property owner for the purchase of broadband services, but only to the extent that the equipment and inside wiring or cable is located on the premises of the customer for broadband services. "Services" does not include equipment located outside of a property owner's premises, such as high speed cable, telecommunications lines, fiber optic transmission facilities, and related equipment designed to carry communications signals such as voice, data, and video to the premises.

Section 10. Creation of technology development district. A municipality may, by ordinance, establish a technology development district. The district may be entirely within, or partly within and partly without, one or more municipalities, and a development district may consist of noncontiguous tracts or

parcels of property within 3 miles of each other. The municipality shall submit a development plan that shall be available for public viewing.

(a) The development plan for a district shall include:

(1) a description of the proposed services;

(2) a financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first fiscal year of the proposed development district;

(3) a schedule of the proposed indebtedness for the proposed development district indicating the year or years in which the debt is scheduled to be issued;

(4) a preliminary engineering or architectural survey showing how the proposed services are to be provided;

(5) a map of the proposed development district boundaries and an estimate of the population and valuation for assessment of the proposed development district;

(6) a general description of the facilities to be constructed and the standards of the construction, including a statement of how the facility and service standards of the proposed development district are compatible with the facility and service standards of any municipality within the zoning jurisdiction where all or any portion of the proposed development district is to be located;

(7) a general description of the estimated cost of acquiring any land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the proposed development district;

(8) a description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed development district and the other political subdivision, including, if the form contract to be used is available, a copy of the contract; and

(9) any additional information as the corporate authorities of the municipality may find necessary.

(b) A municipality may:

(1) install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the development area for use in accordance with a development plan;

(2) accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a project development area;

(3) incur project development costs and reimburse developers who incur development project costs authorized by a development agreement; provided, however, that no municipality shall incur development project costs that are not consistent with the program for accomplishing the objectives of the development plan;

(4) jointly undertake and perform development plans and projects wherever they have contiguous development project areas that includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous development project areas; and

(5) issue bonds, provided that the bonds amount to no more than 50% of the annual revenue received from the development district.

Section 15. Notice and meeting.

(a) After receiving a development plan, the corporate authorities shall set a date within 90 days for a public hearing on the development plan of the proposed development district. The corporate authorities shall provide written notice of the date, time, and location of the hearing to each resident or property owner of record within the boundaries of the development district and the governing body of any existing county, municipality, school district or other political subdivision that has levied an ad valorem tax within the next preceding tax year and that has boundaries within a radius of 3 miles of the proposed development district boundaries. Notice shall also be given to any person who has requested that notice be given for any development plan filed pursuant to this Act. The corporate authorities shall make publication of the date, time, location and purpose of the hearing, the first of which shall be at least 20 days before the hearing date. The notice shall also include: (i) a general description of the land contained within the boundaries of the proposed development district, (ii) information outlining methods and procedures for excluding territory from the proposed development district, and (iii) places, including web sites, where interested persons may obtain a copy of the development plan.

(b) Not more than 30 days nor less than 20 days before the hearing held pursuant to this Section, the petitioners for the organization of the proposed development district shall send notification by certified mail of the hearing to the property owners within the proposed development district as listed on the records of the county clerk on the date requested unless the petitioners represent 100% of the property owners. The notification shall indicate that it is a notice of a hearing for the organization of a development district and shall indicate the date, time, location and purpose of the hearing, and a general description of the type of services that are included in the development plan. The mailing of the notification by certified mail to all addresses within the proposed development district shall constitute a good-faith effort to comply with this subsection, and failure to notify all property owners by certified mail shall not provide grounds for a challenge to the hearing being held.

(c) The hearing held by the governing body shall be open to the public, and a record of the proceedings shall be made at the expense of the petitioners. All interested parties shall be afforded an opportunity to be heard under applicable rules of procedure as may be established by the corporate authorities. Any testimony or evidence that in the discretion of the governing body is relevant to the organization of the proposed development district shall be considered.

(d) After a municipality has by ordinance approved a development plan and designated a development project area, the plan may be amended and additional properties may be added to the development project area. The municipality shall give notice and hold a hearing, as provided in this Section, prior to amending a plan.

(e) Beginning in fiscal year 2013 and in each fiscal year thereafter, a municipality must detail in its annual budget (i) the revenues generated from development project areas by source and (ii) the expenditures made by the municipality for development project areas.

Section 30. Revenue.

The projects to be constructed or acquired as shown in the development plan may be financed from the following sources of revenue:

(1) proceeds received from the sale of bonds of the development district;

(2) money of the municipality or county contributed to the development district;

(3) annual property taxes or special assessments;

(4) state or federal grants or contributions;

(5) private contributions;

(6) user, landowner and other fees, tolls and charges;

(7) proceeds of loans or advances; and

(8) any other money available to the development district by law.

No revenues from one technology development district may be transferred to another district.".

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.

On motion of Senator Koehler, **Senate Bill No. 3441** having been printed, was taken up, read by title a second time.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3441

AMENDMENT NO. 1. Amend Senate Bill 3441 as follows:

on page 26, immediately below line 1, by inserting the following:

"An employer who is eligible to participate in the State's medical assistance program may be designated as an alternate payee by an individual practitioner who is employed by the payee. The employer who qualifies as a payee for more than 4 practitioners and the employer who is not licensed in the same profession as the practitioner in his or her employ who has designated the employer as an alternate payee shall be subject to enhanced screening and verification by the Department. A corporation may be named as an alternate payee. A corporation registered with the Secretary of State to do business in the State of Illinois and whose shares of ownership are not publicly traded in a recognized stock exchange within the United States of America shall be subject to enhanced screening and verification by the Department.".

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.

On motion of Senator Frerichs, **Senate Bill No. 3456** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3456

AMENDMENT NO. 2. Amend Senate Bill 3456 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 5-1 and 5-3 as follows:

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class 10. Craft Brewer,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection (e) of Section 6-4 of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a first-class wine-maker's license and annually produces more

than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to the effective date of this amendatory Act of the 95th General Assembly, is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with this amendatory Act of the 95th General Assembly.

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

Class 9. A craft distiller license shall allow the manufacture of up to 15,000 gallons of spirits by distillation per year and the storage of such spirits. If a craft distiller licensee is not affiliated with any other manufacturer, then the craft distiller licensee may sell such spirits to distributors in this State and non-licensees to the extent permitted by any exemption approved by the Commission pursuant to Section 6-4 of this Act.

Any craft distiller licensed under this Act who on the effective date of this amendatory Act of the 96th General Assembly was licensed as a distiller and manufactured no more spirits than permitted by this Section shall not be required to pay the initial licensing fee.

Class 10. A craft brewer's license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 465,000 gallons of beer per year. A craft brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Nothing in this amendatory Act of the 95th General Assembly shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer, deliver, or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off

premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed ..... 500 gallons
Class 2, not to exceed ..... 1,000 gallons
Class 3, not to exceed ..... 5,000 gallons
Class 4, not to exceed ..... 10,000 gallons
Class 5, not to exceed ..... 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the

licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that (i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that (i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the non-resident dealer

shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(n) A brew pub license shall allow the licensee (i) to manufacture beer only on the premises specified in the license, (ii) to make sales of the beer manufactured on the premises or, with the approval of the Commission, beer manufactured on another brew pub licensed premises that is substantially owned and operated by the same licensee to importing distributors, distributors, and to non-licensees for use and consumption, (iii) to store the beer upon the premises, and (iv) to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year. A person who holds a brew pub license may simultaneously hold a craft brewer license if he or she otherwise qualifies for the craft brewer license and the craft brewer license is for a location separate from the brew pub's licensed premises. A brew pub license shall permit a person who has received prior approval from the Commission to annually transfer no more than a total of 50,000 gallons of beer manufactured on premises to all other licensed brew pubs that are substantially owned and operated by the same person.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for a period not to exceed 12 months for a maximum of either 15 consecutive days or 50 non-consecutive days at a single location ~~the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval~~.

An applicant for a special use permit license must also submit with the application to the State Commission a list of dates and locations of all events to be scheduled during the 12-month license period and proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits. If the date and location of an event is undetermined at the time of application, then the special use permit license holder shall submit to the State Commission the date and location of the additional event in a manner acceptable to the State Commission at least 7 days prior to the event, at which time the permit holder shall obtain an amended special use permit license.

The special use permit license holder shall obtain local authority approval for each use of the license. The special use permit license shall state: "THIS SPECIAL USE PERMIT LICENSE SHALL BE VOID IF THE NAMED HOLDER IS UNABLE TO OBTAIN AND PRODUCE ADEQUATE WRITTEN PROOF THAT ALCOHOLIC BEVERAGE SALES BY THE PERMIT HOLDER HAVE BEEN AUTHORIZED BY THE LOCAL LIQUOR LICENSING AUTHORITY.". The State Commission may issue a special use permit license prior to local authority approval. State Commission approval of the special use permit license does not mandate local approval of alcoholic beverage sales at the event. A special use permit license shall allow the applicant to sell only its own alcoholic liquor.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act.

A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A winery shipper licensee must collect, maintain, and submit to the Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this amendatory Act.

(Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; revised 9-16-11.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:	
Class 1. Distiller	$3,600
Class 2. Rectifier	3,600
Class 3. Brewer	900
Class 4. First-class Wine Manufacturer	600
Class 5. Second-class Wine Manufacturer	1,200
Class 6. First-class wine-maker	600
Class 7. Second-class wine-maker	1200
Class 8. Limited Wine Manufacturer	120
Class 9. Craft Distiller	1,800
Class 10. Craft Brewer	25
For a Brew Pub License	1,050
For a caterer retailer's license	200
For a foreign importer's license	25
For an importing distributor's license	25
For a distributor's license	270
For a non-resident dealer's license (500,000 gallons or over)	270
For a non-resident dealer's license (under 500,000 gallons)	90
For a wine-maker's premises license	100
For a winery shipper's license (under 250,000 gallons)	150
For a winery shipper's license (250,000 or over, but under 500,000 gallons)	500
For a winery shipper's license (500,000 gallons or over)	1,000
For a wine-maker's premises license, second location	350
For a wine-maker's premises license, third location	350
For a retailer's license	500
For a special event retailer's license, (not-for-profit)	25
For a special use permit license	100 ~~,~~
~~one day only~~	~~50~~
~~2 days or more~~	~~100~~

For a railroad license 60
For a boat license 180
For an airplane license, times the
licensee's maximum number of aircraft
in flight, serving liquor over the
State at any given time, which either
originate, terminate, or make
an intermediate stop in the State 60
For a non-beverage user's license:
Class 1 24
Class 2 60
Class 3 120
Class 4 240
Class 5 600
For a broker's license 600
For an auction liquor license 50

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Executive earlier today.

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

On motion of Senator Clayborne, **Senate Bill No. 3478** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 3479** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Duffy, **Senate Bill No. 3504** having been printed, was taken up, read by title a second time.

Senator Duffy offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3504

AMENDMENT NO. 1. Amend Senate Bill 3504 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-208.6 as follows:

(625 ILCS 5/11-208.6)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of

this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the

recorded images of the violation.

(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay the fine or complete a required traffic education program, or both, or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to complete a required traffic education program or to pay any fine or penalty due and owing, or both, as a result of a combination of 5 violations of the automated traffic law enforcement system or the automated speed enforcement system under Section 11-208.8 of this Code.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; ~~and~~

(3) evidence that the minimal yellow light change interval does not conform with the requirements of subsection (k-5) of this Section; and

(4) ~~(3)~~ any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation. The minimal yellow light change interval shall be established in accordance with nationally recognized engineering standards using the 85th percentile approach traffic speed, derived from engineering speed studies conducted under good conditions and not

influenced by law enforcement actions or visible speed display signs, and any established time may not be less than the recognized national standard plus one additional second.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of a combination of 5 offenses for automated traffic law or speed enforcement system violations.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation. (Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11; 97-29, eff. 1-1-12; 97-627, eff. 1-1-12; 97-672, eff. 7-1-12; revised 2-8-12.)".

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

On motion of Senator Martinez, **Senate Bill No. 3513** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 3513

AMENDMENT NO. 2. Amend Senate Bill 3513 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 3 as follows:

(225 ILCS 85/3)

(Section scheduled to be repealed on January 1, 2018)

Sec. 3. Definitions. For the ~~the~~ purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmacist care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, advanced practice nurses, physician assistants, veterinarians, podiatrists, or optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Dispensary", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (l) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (l), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means (1) the interpretation and the provision of assistance in the monitoring, evaluation, and implementation of prescription drug orders; (2) the dispensing of prescription drug orders; (3) participation in drug and device selection; (4) drug administration limited to the administration of oral, topical, injectable, and inhalation as follows: in the context of patient education on the proper use or delivery of medications; vaccination of patients 14 years of age and older pursuant to a valid prescription or standing order, by a physician licensed to practice medicine in all its branches, upon completion of appropriate training, including how to address contraindications and adverse reactions set forth by rule, with notification to the patient's physician and appropriate record retention, or pursuant to hospital pharmacy and therapeutics committee policies and procedures; (5) drug regimen review; (6) drug or drug-related research; (7) the provision of patient counseling; (8) the practice of telepharmacy; (9) the provision of those acts or services necessary to provide pharmacist care; (10) medication therapy management; and (11) the responsibility for compounding and labeling of drugs and devices (except labeling by a manufacturer, repackager, or distributor of non-prescription drugs and commercially packaged legend drugs and devices), proper and safe storage of drugs and devices, and maintenance of required records. A pharmacist who performs any of the acts defined as the practice of pharmacy in this State must be actively licensed as a pharmacist under this Act.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (l) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity; (5) directions for use; (6) prescriber's name, address, and signature; and (7) DEA number where required, for controlled substances. The prescription may, but is not required to, list the illness, disease, or condition for which the drug or device is being prescribed. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Financial and Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Financial and Professional Regulation.

(i) "Secretary" means the Secretary of Financial and Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to or use by a patient in accordance with applicable State and federal laws and regulations. "Dispense" or "dispensing" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" or "dispensing" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Nonresident pharmacy" means a pharmacy that is located in a state, commonwealth, or territory of the United States, other than Illinois, that delivers, dispenses, or distributes, through the United States Postal Service, commercially acceptable parcel delivery service, or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if all of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(p) (Blank).

(q) (Blank).

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. "Patient counseling" may include without limitation (1) obtaining a medication history; (2) acquiring a patient's allergies and health conditions; (3) facilitation of the patient's understanding of the intended use of the medication; (4) proper directions for use; (5) significant potential adverse events; (6) potential food-drug interactions; and (7) the need to be compliant with the medication therapy. A pharmacy technician may only participate in the following aspects of patient counseling under the supervision of a pharmacist: (1) obtaining medication history; (2) providing the offer for counseling by a pharmacist or student pharmacist; and (3) acquiring a patient's allergies and health conditions.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information, including prescriptions for controlled substances, and personal information.

(t) (Blank).

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable biometric or electronic identification process as approved by the Department.

(w) "Current usual and customary retail price" means the price that a pharmacy charges to a non-third-party payor.

(x) "Automated pharmacy system" means a mechanical system located within the confines of the pharmacy or remote location that performs operations or activities, other than compounding or

administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(y) "Drug regimen review" means and includes the evaluation of prescription drug orders and patient records for (1) known allergies; (2) drug or potential therapy contraindications; (3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications; (4) reasonable directions for use; (5) potential or actual adverse drug reactions; (6) drug-drug interactions; (7) drug-food interactions; (8) drug-disease contraindications; (9) therapeutic duplication; (10) patient laboratory values when authorized and available; (11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and (12) abuse and misuse.

(z) "Electronic transmission prescription" means any prescription order for which a facsimile or electronic image of the order is electronically transmitted from a licensed prescriber to a pharmacy. "Electronic transmission prescription" includes both data and image prescriptions.

(aa) "Medication therapy management services" means a distinct service or group of services offered by licensed pharmacists, physicians licensed to practice medicine in all its branches, advanced practice nurses authorized in a written agreement with a physician licensed to practice medicine in all its branches, or physician assistants authorized in guidelines by a supervising physician that optimize therapeutic outcomes for individual patients through improved medication use. In a retail or other non-hospital pharmacy, medication therapy management services shall consist of the evaluation of prescription drug orders and patient medication records to resolve conflicts with the following:

(1) known allergies;

(2) drug or potential therapy contraindications;

(3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications;

(4) reasonable directions for use;

(5) potential or actual adverse drug reactions;

(6) drug-drug interactions;

(7) drug-food interactions;

(8) drug-disease contraindications;

(9) identification of therapeutic duplication;

(10) patient laboratory values when authorized and available;

(11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and

(12) drug abuse and misuse.

"Medication therapy management services" includes the following:

(1) documenting the services delivered and communicating the information provided to patients' prescribers within an appropriate time frame, not to exceed 48 hours;

(2) providing patient counseling designed to enhance a patient's understanding and the appropriate use of his or her medications; and

(3) providing information, support services, and resources designed to enhance a patient's adherence with his or her prescribed therapeutic regimens.

"Medication therapy management services" may also include patient care functions authorized by a physician licensed to practice medicine in all its branches for his or her identified patient or groups of patients under specified conditions or limitations in a standing order from the physician.

"Medication therapy management services" in a licensed hospital may also include the following:

(1) reviewing assessments of the patient's health status; and

(2) following protocols of a hospital pharmacy and therapeutics committee with respect to the fulfillment of medication orders.

(bb) "Pharmacist care" means the provision by a pharmacist of medication therapy management services, with or without the dispensing of drugs or devices, intended to achieve outcomes that improve patient health, quality of life, and comfort and enhance patient safety.

(cc) "Protected health information" means individually identifiable health information that, except as otherwise provided, is:

(1) transmitted by electronic media;

(2) maintained in any medium set forth in the definition of "electronic media" in the federal Health Insurance Portability and Accountability Act; or

(3) transmitted or maintained in any other form or medium.

"Protected health information" does not include individually identifiable health information found in:

(1) education records covered by the federal Family Educational Right and Privacy Act; or

(2) employment records held by a licensee in its role as an employer.

(dd) "Standing order" means a specific order for a patient or group of patients issued by a physician licensed to practice medicine in all its branches in Illinois.

(ee) "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(ff) "Home pharmacy" means the location of a pharmacy's primary operations.

(Source: P.A. 96-339, eff. 7-1-10; 96-673, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1353, eff. 7-28-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)".

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3513

AMENDMENT NO. 3. Amend Senate Bill 3513, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act is amended by changing Section 3 as follows:

(225 ILCS 85/3)

(Section scheduled to be repealed on January 1, 2018)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmacist care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, advanced practice nurses, physician assistants, veterinarians, podiatrists, or optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Dispensary", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (l) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (l), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means (1) the interpretation and the provision of assistance in the monitoring, evaluation, and implementation of prescription drug orders; (2) the dispensing of prescription drug orders; (3) participation in drug and device selection; (4) drug administration limited to the administration of oral, topical, injectable, and inhalation as follows: in the context of patient education on the proper use or delivery of medications; vaccination of patients 14 years of age and older pursuant to a valid prescription or standing order, by a physician licensed to practice medicine in all its branches, upon completion of appropriate training, including how to address contraindications and adverse reactions set forth by rule, with notification to the patient's physician and appropriate record retention, or pursuant to hospital pharmacy and therapeutics committee policies and procedures; (5) vaccination of patients ages 10 through 13 limited to the Influenza (inactivated influenza vaccine and live attenuated influenza intranasal vaccine) and Tdap (defined as tetanus, diphtheria, acellular pertussis) vaccines, pursuant to a valid prescription or standing order, by a physician licensed to practice medicine in all its branches, upon completion of appropriate training, including how to address contraindications and adverse reactions set forth by rule, with notification to the patient's physician and appropriate record retention, or pursuant to hospital pharmacy and therapeutics committee policies and procedures; (6) drug regimen review; (7) ~~(6)~~ drug or drug-related research; (8) ~~(7)~~ the provision of patient counseling; (9) ~~(8)~~ the practice of telepharmacy; (10) ~~(9)~~ the provision of those acts or services necessary to provide

pharmacist care; (11) ~~(10)~~ medication therapy management; and (12) ~~(11)~~ the responsibility for compounding and labeling of drugs and devices (except labeling by a manufacturer, repackager, or distributor of non-prescription drugs and commercially packaged legend drugs and devices), proper and safe storage of drugs and devices, and maintenance of required records. A pharmacist who performs any of the acts defined as the practice of pharmacy in this State must be actively licensed as a pharmacist under this Act.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (l) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity; (5) directions for use; (6) prescriber's name, address, and signature; and (7) DEA number where required, for controlled substances. The prescription may, but is not required to, list the illness, disease, or condition for which the drug or device is being prescribed. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Financial and Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Financial and Professional Regulation.

(i) "Secretary" means the Secretary of Financial and Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act, the ID/DD Community Care Act, the Specialized Mental Health Rehabilitation Act, or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to or use by a patient in accordance with applicable State and federal laws and regulations. "Dispense" or "dispensing" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" or "dispensing" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Nonresident pharmacy" means a pharmacy that is located in a state, commonwealth, or territory of the United States, other than Illinois, that delivers, dispenses, or distributes, through the United States Postal Service, commercially acceptable parcel delivery service, or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation and mixing of components, excluding flavorings, (1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or (2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing. "Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if all of the following conditions are met: (i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(p) (Blank).

(q) (Blank).

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist

under the supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. "Patient counseling" may include without limitation (1) obtaining a medication history; (2) acquiring a patient's allergies and health conditions; (3) facilitation of the patient's understanding of the intended use of the medication; (4) proper directions for use; (5) significant potential adverse events; (6) potential food-drug interactions; and (7) the need to be compliant with the medication therapy. A pharmacy technician may only participate in the following aspects of patient counseling under the supervision of a pharmacist: (1) obtaining medication history; (2) providing the offer for counseling by a pharmacist or student pharmacist; and (3) acquiring a patient's allergies and health conditions.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription information, including prescriptions for controlled substances, and personal information.

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(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable biometric or electronic identification process as approved by the Department.

(w) "Current usual and customary retail price" means the price that a pharmacy charges to a non-third-party payor.

(x) "Automated pharmacy system" means a mechanical system located within the confines of the pharmacy or remote location that performs operations or activities, other than compounding or administration, relative to storage, packaging, dispensing, or distribution of medication, and which collects, controls, and maintains all transaction information.

(y) "Drug regimen review" means and includes the evaluation of prescription drug orders and patient records for (1) known allergies; (2) drug or potential therapy contraindications; (3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications; (4) reasonable directions for use; (5) potential or actual adverse drug reactions; (6) drug-drug interactions; (7) drug-food interactions; (8) drug-disease contraindications; (9) therapeutic duplication; (10) patient laboratory values when authorized and available; (11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and (12) abuse and misuse.

(z) "Electronic transmission prescription" means any prescription order for which a facsimile or electronic image of the order is electronically transmitted from a licensed prescriber to a pharmacy. "Electronic transmission prescription" includes both data and image prescriptions.

(aa) "Medication therapy management services" means a distinct service or group of services offered by licensed pharmacists, physicians licensed to practice medicine in all its branches, advanced practice nurses authorized in a written agreement with a physician licensed to practice medicine in all its branches, or physician assistants authorized in guidelines by a supervising physician that optimize therapeutic outcomes for individual patients through improved medication use. In a retail or other non-hospital pharmacy, medication therapy management services shall consist of the evaluation of prescription drug orders and patient medication records to resolve conflicts with the following:

(1) known allergies;

(2) drug or potential therapy contraindications;

(3) reasonable dose, duration of use, and route of administration, taking into consideration factors such as age, gender, and contraindications;

(4) reasonable directions for use;

(5) potential or actual adverse drug reactions;

(6) drug-drug interactions;

(7) drug-food interactions;

(8) drug-disease contraindications;

(9) identification of therapeutic duplication;

(10) patient laboratory values when authorized and available;

(11) proper utilization (including over or under utilization) and optimum therapeutic outcomes; and

(12) drug abuse and misuse.

"Medication therapy management services" includes the following:

(1) documenting the services delivered and communicating the information provided to

patients' prescribers within an appropriate time frame, not to exceed 48 hours;

(2) providing patient counseling designed to enhance a patient's understanding and the appropriate use of his or her medications; and

(3) providing information, support services, and resources designed to enhance a patient's adherence with his or her prescribed therapeutic regimens.

"Medication therapy management services" may also include patient care functions authorized by a physician licensed to practice medicine in all its branches for his or her identified patient or groups of patients under specified conditions or limitations in a standing order from the physician.

"Medication therapy management services" in a licensed hospital may also include the following:

(1) reviewing assessments of the patient's health status; and

(2) following protocols of a hospital pharmacy and therapeutics committee with respect to the fulfillment of medication orders.

(bb) "Pharmacist care" means the provision by a pharmacist of medication therapy management services, with or without the dispensing of drugs or devices, intended to achieve outcomes that improve patient health, quality of life, and comfort and enhance patient safety.

(cc) "Protected health information" means individually identifiable health information that, except as otherwise provided, is:

(1) transmitted by electronic media;

(2) maintained in any medium set forth in the definition of "electronic media" in the federal Health Insurance Portability and Accountability Act; or

(3) transmitted or maintained in any other form or medium.

"Protected health information" does not include individually identifiable health information found in:

(1) education records covered by the federal Family Educational Right and Privacy Act; or

(2) employment records held by a licensee in its role as an employer.

(dd) "Standing order" means a specific order for a patient or group of patients issued by a physician licensed to practice medicine in all its branches in Illinois.

(ee) "Address of record" means the address recorded by the Department in the applicant's or licensee's application file or license file, as maintained by the Department's licensure maintenance unit.

(ff) "Home pharmacy" means the location of a pharmacy's primary operations.

(Source: P.A. 96-339, eff. 7-1-10; 96-673, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1353, eff. 7-28-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 10-4-11.)

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 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 3517** having been printed, was taken up, read by title a second time.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3517

AMENDMENT NO. __1__. Amend Senate Bill 3517 by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by changing Section 4.2 as follows:

(225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

Sec. 4.2. (a) No applicant may receive a license from the Department and no person may be employed by a licensed child care facility who refuses to authorize an investigation as required by Section 4.1.

(b) In addition to the other provisions of this Section, no applicant may receive a license from the Department and no person may be employed by a child care facility licensed by the Department who has been declared a sexually dangerous person under "An Act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision", approved July 6, 1938, as amended, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961:

(1) murder;

(1.1) solicitation of murder;

(1.2) solicitation of murder for hire;
(1.3) intentional homicide of an unborn child;
(1.4) voluntary manslaughter of an unborn child;
(1.5) involuntary manslaughter;
(1.6) reckless homicide;
(1.7) concealment of a homicidal death;
(1.8) involuntary manslaughter of an unborn child;
(1.9) reckless homicide of an unborn child;
(1.10) drug-induced homicide;
(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45;
(3) kidnapping;
(3.1) aggravated unlawful restraint;
(3.2) forcible detention;
(3.3) harboring a runaway;
(3.4) aiding and abetting child abduction;
(4) aggravated kidnapping;
(5) child abduction;
(6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
(7) criminal sexual assault;
(8) aggravated criminal sexual assault;
(8.1) predatory criminal sexual assault of a child;
(9) criminal sexual abuse;
(10) aggravated sexual abuse;
(11) heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05;
(12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05;
(13) tampering with food, drugs, or cosmetics;
(14) drug induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g)(1) of Section 12-3.05;
(15) hate crime;
(16) stalking;
(17) aggravated stalking;
(18) threatening public officials;
(19) home invasion;
(20) vehicular invasion;
(21) criminal transmission of HIV;
(22) criminal abuse or neglect of an elderly or disabled person as described in Section 12-21 or subsection (b) of Section 12-4.4a;
(23) child abandonment;
(24) endangering the life or health of a child;
(25) ritual mutilation;
(26) ritualized abuse of a child;
(27) an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(b-1) In addition to the other provisions of this Section, beginning January 1, 2004, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the following offenses:

(I) BODILY HARM

(1) Felony aggravated assault.
(2) Vehicular endangerment.
(3) Felony domestic battery.
(4) Aggravated battery.

(5) Heinous battery.
(6) Aggravated battery with a firearm.
(7) Aggravated battery of an unborn child.
(8) Aggravated battery of a senior citizen.
(9) Intimidation.
(10) Compelling organization membership of persons.
(11) Abuse and criminal neglect of a long term care facility resident.
(12) Felony violation of an order of protection.

(II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

(1) Felony unlawful use of weapons.
(2) Aggravated discharge of a firearm.
(3) Reckless discharge of a firearm.
(4) Unlawful use of metal piercing bullets.
(5) Unlawful sale or delivery of firearms on the premises of any school.
(6) Disarming a police officer.
(7) Obstructing justice.
(8) Concealing or aiding a fugitive.
(9) Armed violence.
(10) Felony contributing to the criminal delinquency of a juvenile.

(III) DRUG OFFENSES

(1) Possession of more than 30 grams of cannabis.
(2) Manufacture of more than 10 grams of cannabis.
(3) Cannabis trafficking.
(4) Delivery of cannabis on school grounds.
(5) Unauthorized production of more than 5 cannabis sativa plants.
(6) Calculated criminal cannabis conspiracy.
(7) Unauthorized manufacture or delivery of controlled substances.
(8) Controlled substance trafficking.
(9) Manufacture, distribution, or advertisement of look-alike substances.
(10) Calculated criminal drug conspiracy.
(11) Street gang criminal drug conspiracy.
(12) Permitting unlawful use of a building.
(13) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.
(14) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.
(15) Delivery of controlled substances.
(16) Sale or delivery of drug paraphernalia.
(17) Felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection.
(18) Felony possession of a controlled substance.
(19) Any violation of the Methamphetamine Control and Community Protection Act.

(b-1.5) In addition to any other provision of this Section, for applicants with access to confidential financial information or who submit documentation to support billing, no applicant whose initial application was considered after the effective date of this amendatory Act of the 97th General Assembly may receive a license from the Department or a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following felony offenses:

(1) financial institution fraud under Section 17-10.6 of the Criminal Code of 1961;
(2) identity theft under Section 16-30 of the Criminal Code of 1961;
(3) financial exploitation of an elderly person or a person with a disability under Section 17-56 of the Criminal Code of 1961;
(4) computer tampering under Section 17-51 of the Criminal Code of 1961;
(5) aggravated computer tampering under Section 17-52 of the Criminal Code of 1961;
(6) computer fraud under Section 17-50 of the Criminal Code of 1961;
(7) deceptive practices under Section 17-1 of the Criminal Code of 1961;
(8) forgery under Section 17-3 of the Criminal Code of 1961;
(9) State benefits fraud under Section 17-6 of the Criminal Code of 1961;

(10) mail fraud and wire fraud under Section 17-24 of the Criminal Code of 1961;

(11) theft under paragraphs (1.1) through (11) of subsection (b) of Section 16-1 of the Criminal Code of 1961.

(b-2) Notwithstanding subsection (b-1), the Department may make an exception and, for ~~For~~ child care facilities other than foster family homes, ~~the Department may~~ issue a new child care facility license to or renew the existing child care facility license of an applicant, a person employed by a child care facility, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b-1), provided that all of the following requirements are met:

(1) The relevant criminal offense occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense.

(2) The Department must conduct a background check and assess all convictions and recommendations of the child care facility to determine if hiring or licensing the applicant is in ~~waiver shall apply in~~ accordance with Department administrative rules and procedures.

(3) The applicant meets all other requirements and qualifications to be licensed as the pertinent type of child care facility under this Act and the Department's administrative rules.

(c) In addition to the other provisions of this Section, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, and the Illinois Controlled Substances Act:

(I) OFFENSES DIRECTED AGAINST THE PERSON

(A) KIDNAPPING AND RELATED OFFENSES

(1) Unlawful restraint.

(B) BODILY HARM

(2) Felony aggravated assault.
(3) Vehicular endangerment.
(4) Felony domestic battery.
(5) Aggravated battery.
(6) Heinous battery.
(7) Aggravated battery with a firearm.
(8) Aggravated battery of an unborn child.
(9) Aggravated battery of a senior citizen.
(10) Intimidation.
(11) Compelling organization membership of persons.
(12) Abuse and criminal neglect of a long term care facility resident.
(13) Felony violation of an order of protection.

(II) OFFENSES DIRECTED AGAINST PROPERTY

(14) Felony theft.
(15) Robbery.
(16) Armed robbery.
(17) Aggravated robbery.
(18) Vehicular hijacking.
(19) Aggravated vehicular hijacking.
(20) Burglary.
(21) Possession of burglary tools.
(22) Residential burglary.
(23) Criminal fortification of a residence or building.
(24) Arson.
(25) Aggravated arson.
(26) Possession of explosive or explosive incendiary devices.

(III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

(27) Felony unlawful use of weapons.
(28) Aggravated discharge of a firearm.

(29) Reckless discharge of a firearm.
(30) Unlawful use of metal piercing bullets.
(31) Unlawful sale or delivery of firearms on the premises of any school.
(32) Disarming a police officer.
(33) Obstructing justice.
(34) Concealing or aiding a fugitive.
(35) Armed violence.
(36) Felony contributing to the criminal delinquency of a juvenile.

(IV) DRUG OFFENSES

(37) Possession of more than 30 grams of cannabis.
(38) Manufacture of more than 10 grams of cannabis.
(39) Cannabis trafficking.
(40) Delivery of cannabis on school grounds.
(41) Unauthorized production of more than 5 cannabis sativa plants.
(42) Calculated criminal cannabis conspiracy.
(43) Unauthorized manufacture or delivery of controlled substances.
(44) Controlled substance trafficking.
(45) Manufacture, distribution, or advertisement of look-alike substances.
(46) Calculated criminal drug conspiracy.
(46.5) Streetgang criminal drug conspiracy.
(47) Permitting unlawful use of a building.
(48) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.
(49) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.
(50) Delivery of controlled substances.
(51) Sale or delivery of drug paraphernalia.
(52) Felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection.
(53) Any violation of the Methamphetamine Control and Community Protection Act.

(d) Notwithstanding subsection (c), the Department may make an exception and issue a new foster family home license or may renew an existing foster family home license of an applicant who was convicted of an offense described in subsection (c), provided all of the following requirements are met:

(1) The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.
(2) The applicant had previously disclosed the conviction or convictions to the Department for purposes of a background check.
(3) After the disclosure, the Department either placed a child in the home or the foster family home license was issued.
(4) During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the hire or licensure ~~waiver~~.
(5) The applicant meets all other requirements and qualifications to be licensed as a foster family home under this Act and the Department's administrative rules.
(6) The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment.

(e) In evaluating the exception pursuant to subsections (b-2) and (d), the Department must carefully review any relevant documents to determine whether the applicant, despite the disqualifying convictions, poses a substantial risk to State resources or clients. In making such a determination the following guidelines shall be used:

(1) the age of the applicant when the offense was committed;
(2) the circumstances surrounding the offense;
(3) the length of time since the conviction;
(4) the specific duties and responsibilities necessarily related to the license being applied for and the bearing, if any, that the applicant's conviction history may have on his or her fitness to perform these duties and responsibilities;
(5) the applicant's employment references;
(6) the applicant's character references and any certificates of achievement;
(7) an academic transcript showing educational attainment since the disqualifying conviction;

(8) a Certificate of Relief from Disabilities or Certificate of Good Conduct; and
(9) anything else that speaks to the applicant's character.
(Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11; 96-1551, Article 2, Section 990, eff. 7-1-11; revised 9-30-11.)

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.

On motion of Senator Hutchinson, **Senate Bill No. 3526** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff , as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3538** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3538
AMENDMENT NO. 1. Amend Senate Bill 3538 on page 7, by deleting lines 16 and 17.

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

On motion of Senator Sullivan, **Senate Bill No. 3614** having been printed, was taken up, read by title a second time.
Senate Committee Amendment No. 1 was held in the Committee on Assignments.
Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3614
AMENDMENT NO. 2. Amend Senate Bill 3614 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 12 as follows:
(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)
(Section scheduled to be repealed on December 31, 2019)
Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:
(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act. Policies and procedures of the State Board shall take into consideration the priorities and needs of medically underserved areas and other health care services identified through the comprehensive health planning process, giving special consideration to the impact of projects on access to safety net services.
(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.
(3) (Blank).
(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Board's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Board with pertinent State Plans. Inventories pursuant to this Section of skilled or intermediate care facilities licensed under the Nursing Home Care Act, skilled or intermediate care facilities licensed under the ID/DD Community Care Act, facilities licensed under the Specialized Mental Health Rehabilitation Act, or nursing homes licensed under the Hospital Licensing Act shall be conducted on an annual basis no later than July 1 of each year and shall include among the information requested a list of

all services provided by a facility to its residents and to the community at large and differentiate between active and inactive beds.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

(b) The number of existing and planned facilities offering similar programs;

(c) The extent of utilization of existing facilities;

(d) The availability of facilities which may serve as alternatives or substitutes;

(e) The availability of personnel necessary to the operation of the facility;

(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;

(g) The financial and economic feasibility of proposed construction or modification; and

(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with the Center for Comprehensive Health Planning and other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or Center for Comprehensive Health Planning in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe procedures for review, standards, and criteria which shall be utilized to make periodic reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the Board in making its determinations.

(8) Prescribe, in consultation with the Center for Comprehensive Health Planning, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are classified as emergency, substantive, or non-substantive in nature.

Six months after June 30, 2009 (the effective date of Public Act 96-31), substantive projects shall include no more than the following:

(a) Projects to construct (1) a new or replacement facility located on a new site or (2) a replacement facility located on the same site as the original facility and the cost of the replacement facility exceeds the capital expenditure minimum;

(b) Projects proposing a (1) new service or (2) discontinuation of a service, which shall be reviewed by the Board within 60 days; or

(c) Projects proposing a change in the bed capacity of a health care facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board, whichever is less, over a 2-year period.

The Chairman may approve applications for exemption that meet the criteria set forth in rules or refer them to the full Board. The Chairman may approve any unopposed application that meets all of the review criteria or refer them to the full Board.

Such rules shall not abridge the right of the Center for Comprehensive Health Planning to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(11) Issue written decisions upon request of the applicant or an adversely affected party to the Board within 30 days of the meeting in which a final decision has been made. A "final decision" for purposes of this Act is the decision to approve or deny an application, or take other actions permitted under this Act, at the time and date of the meeting that such action is scheduled by the Board. The staff of the State Board shall prepare a written copy of the final decision and the State Board shall approve a final copy for inclusion in the formal record.

(12) Require at least one of its members to participate in any public hearing, after the appointment of the 9 members to the Board.

(13) Provide a mechanism for the public to comment on, and request changes to, draft rules and standards.

(14) Implement public information campaigns to regularly inform the general public about the opportunity for public hearings and public hearing procedures.

(15) Establish a separate set of rules and guidelines for long-term care that recognizes that nursing homes are a different business line and service model from other regulated facilities. An open and transparent process shall be developed that considers the following: how skilled nursing fits in the continuum of care with other care providers, modernization of nursing homes, establishment of more private rooms, development of alternative services, and current trends in long-term care services. The Chairman of the Board shall appoint a permanent Health Services Review Board Long-term Care Facility Advisory Subcommittee that shall develop and recommend to the Board the rules to be established by the Board under this paragraph (15). The Subcommittee shall also provide continuous review and commentary on policies and procedures relative to long-term care and the review of related projects. In consultation with other experts from the health field of long-term care, the Board and the Subcommittee shall study new approaches to the current bed need formula and Health Service Area boundaries to encourage flexibility and innovation in design models reflective of the changing long-term care marketplace and consumer preferences. The Subcommittee shall evaluate, and make recommendations to the State Board regarding, the buying, selling, and exchange of beds between long-term care facilities within a specified geographic area or drive time. The Board shall file the proposed related administrative rules for the separate rules and guidelines for long-term care required by this paragraph (15) by September 1, 2010. The Subcommittee shall be provided a reasonable and timely opportunity to review and comment on any review, revision, or updating of the criteria, standards, procedures, and rules used to evaluate project applications as provided under Section 12.3 of this Act prior to approval by the Board and promulgation of related rules.

(Source: P.A. 96-31, eff. 6-30-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised 9-7-11.)

Section 99. Effective date. This Act takes effect one year after 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.

On motion of Senator Frerichs, **Senate Bill No. 3583** having been printed, was taken up, read by title a second time.

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3583

AMENDMENT NO. 1. Amend Senate Bill 3583 as follows:

by deleting line 3 on page 5 through line 15 on page 8; and

on page 97, by replacing line 15 with the following:

"changing Sections 0.05, 4, and 7 as follows:"; and

on page 103, immediately below line 24, by inserting the following:

"(205 ILCS 510/4) (from Ch. 17, par. 4654)

Sec. 4. Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property, a memorandum, contract, or note signed by him containing an

accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, ~~value of things loaned thereon,~~ the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees as specified in Section 2 of this Act.
(Source: P.A. 87-802.)".

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 3583

AMENDMENT NO. 2. Amend Senate Bill 3583 as follows:

on page 14, by replacing lines 17 through 19 with the following:

"from a derivative transaction between"; and

by replacing lines 19 through 26 on page 20 and lines 1 through 11 on page 21 with the following:

"(2.5) Whenever any State bank, any subsidiary or affiliate of a State bank, or after May 31, 1997, any branch of an out-of-state bank causes to be performed, by contract or otherwise, any bank services, loan syndication, or loan securitization for itself, whether on or off its premises:

(a) that performance shall be subject to examination by the Secretary ~~Commissioner~~ to the same extent as if services, loan syndication, or loan securitization were being performed by the bank or, after May 31, 1997, branch of the out-of-state bank itself on its own premises; and

(b) the bank or, after May 31, 1997, branch of the out-of-state bank shall notify the Secretary ~~Commissioner~~ of the existence of a service, loan syndication, or loan securitization relationship. The notification shall be submitted with the first statement of condition (as required by Section 47 of this Act) due after the making of the service, loan syndication, or loan securitization contract or the performance of the service, loan syndication, or loan securitization, whichever occurs first. The Secretary ~~Commissioner~~ shall be notified of each subsequent contract in the same manner."; and

on page 21, immediately below line 19, by inserting the following:

"For purposes of this subsection (2.5), the terms "loan syndication" and "loan securitization" shall be defined by rule, as promulgated by the Department of Financial and Professional Regulation pursuant to the Illinois Administrative Procedure Act."; and

on page 70, by replacing lines 13 through 15 with the following:

"derivative transaction between the savings bank".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator McCann, **Senate Bill No. 3659** having been printed, was taken up, read by title a second time.
Senator McCann offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3659

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

"Section 5. The Illinois Procurement Code is amended by changing Section 45-35 as follows:
(30 ILCS 500/45-35)

Sec. 45-35. Facilities for persons with severe disabilities.

(a) Qualification. Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with severe disabilities that:

(1) complies with Illinois laws governing private not-for-profit organizations;

(2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor or is an accredited vocational program that provides transition services to youth between the ages of 14 1/2 and 22 in accordance with individualized education plans under Section 14-8.03 of the School Code and that provides residential services at a child care institution, as defined under Section 2.06 of the Child Care Act of 1969, or at a group home, as defined under Section 2.16 of the Child Care Act of 1969; and

(3) meets the applicable Illinois Department of Human Services just standards.

(b) Participation. To participate, the not-for-profit agency must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the using agency, and must set a fair market price.

(c) Committee. There is created within the Department of Central Management Services a committee to facilitate the purchase of products and services of persons so severely disabled by a physical, developmental, or mental disability or a combination of any of those disabilities that they cannot engage in normal competitive employment. This committee is called the State Use Committee. The committee shall consist of the Director of the Department of Central Management Services or his or her designee, the Director of the Department of Human Services or his or her designee, one public member representing private business who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member representing private business who is knowledgeable of the needs and concerns of rehabilitation facilities, one public member who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member who is knowledgeable of the needs and concerns of rehabilitation facilities, and 2 public members from a statewide association that represents community-based rehabilitation facilities, all appointed by the Governor. The public members shall serve 2 year terms, commencing upon appointment and every 2 years thereafter. A public member may be reappointed, and vacancies shall be filled by appointment for the completion of the term. In the event there is a vacancy on the Committee, the Governor must make an appointment to fill that vacancy within 30 calendar days after the notice of vacancy. The members shall serve without compensation but shall be reimbursed for expenses at a rate equal to that of State employees on a per diem basis by the Department of Central Management Services. All members shall be entitled to vote on issues before the committee.

The committee shall have the following powers and duties:

(1) To request from any State agency information as to product specification and service requirements in order to carry out its purpose.

(2) To meet quarterly or more often as necessary to carry out its purposes.

(3) To request a quarterly report from each participating qualified not-for-profit agency for persons with severe disabilities describing the volume of sales for each product or service sold under this Section.

(4) To prepare a report for the Governor annually.

(5) To prepare a publication that lists all supplies and services currently available from any qualified not-for-profit agency for persons with severe disabilities. This list and any revisions shall be distributed to all purchasing agencies.

(6) To encourage diversity in supplies and services provided by qualified not-for-profit agencies for persons with severe disabilities and discourage unnecessary duplication or competition among facilities.

(7) To develop guidelines to be followed by qualifying agencies for participation under the provisions of this Section. The guidelines shall be developed within 6 months after the effective date of this Code and made available on a nondiscriminatory basis to all qualifying agencies.

(8) To review all bids submitted under the provisions of this Section and reject any bid for any purchase that is determined to be substantially more than the purchase would have cost had it been competitively bid.

(9) To develop a 5-year plan for increasing the number of products and services purchased from qualified not-for-profit agencies for persons with severe disabilities, including the feasibility of developing mandatory set-aside contracts. This 5-year plan must be developed no later than 180 calendar days after the effective date of this amendatory Act of the 96th General Assembly.

(c-5) Conditions for Use. Each chief procurement officer shall, in consultation with the State Use Committee, determine which articles, materials, services, food stuffs, and supplies that are produced,

manufactured, or provided by persons with severe disabilities in qualified not-for-profit agencies shall be given preference by purchasing agencies procuring those items.

(d) Former committee. The committee created under subsection (c) shall replace the committee created under Section 7-2 of the Illinois Purchasing Act, which shall continue to operate until the appointments under subsection (c) are made.

(Source: P.A. 96-634, eff. 8-24-09.)

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.

On motion of Senator C. Johnson, **Senate Bill No. 3687** having been printed, was taken up, read by title a second time.

Senator C. Johnson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3687

AMENDMENT NO. 1. Amend Senate Bill 3687 by deleting Sections 5 and 10.

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.

On motion of Senator Frerichs, **Senate Bill No. 3695** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments

Senator Frerichs offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3695

AMENDMENT NO. 2. Amend Senate Bill 3695 on page 3 by deleting lines 9 through 14.

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.

On motion of Senator Dillard, **Senate Bill No. 3701,** as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), having been printed, was taken up, read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3701

AMENDMENT NO. 1. Amend Senate Bill 3701 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Sections 108-3, 108-6, 108-7, and 108-10 as follows:

(725 ILCS 5/108-3) (from Ch. 38, par. 108-3)

Sec. 108-3. Grounds for search warrant.

(a) Except as provided in subsection (b) or (c), upon the written complaint of any person under oath or affirmation which states facts sufficient to show probable cause and which particularly describes the place or person, or both, to be searched and the things to be seized, any judge may issue a search warrant for the seizure of the following:

(1) Any instruments, articles or things designed or intended for use or which are or have been used in the commission of, or which may constitute evidence of, the offense in connection with which the warrant is issued; or contraband, the fruits of crime, or things otherwise criminally possessed.

(2) Any person who has been kidnaped in violation of the laws of this State, or who has been kidnaped in another jurisdiction and is now concealed within this State, or any human fetus or human corpse.

(b) When the things to be seized are the work product of, or used in the ordinary course of business, and in the possession, custody, or control of any person known to be engaged in the gathering or dissemination of news for the print or broadcast media, no judge may issue a search warrant unless the requirements set forth in subsection (a) are satisfied and there is probable cause to believe that:

(1) such person has committed or is committing a criminal offense; or

(2) the things to be seized will be destroyed or removed from the State if the search warrant is not issued.

(c) Upon the written complaint of a person under oath or affirmation which states facts sufficient to show probable cause to install and use a tracking device, a judge may issue a search warrant to install or otherwise activate and use a tracking device. As used in this Section, "tracking device" means an electronic or mechanical device which permits the tracking of the movement of a person or object. A tracking device search warrant must identify the person or property to be tracked, if known, designate the judge to whom it must be returned, and specify a reasonable length of time that the device may be used. The time must not exceed 45 days from the date the tracking device search warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable period not to exceed 45 days each. The warrant may authorize or direct a third-party to perform the physical installation of the tracking device or otherwise enable the means by which the movement of the person or property named in the tracking device search warrant may be tracked. The tracking device search warrant must command the officer to:

(1) complete or cause to be completed the installation authorized by the warrant within a specified time no longer than 10 days from the date of issuance of the tracking device search warrant;

(2) perform or cause to be performed the installation authorized by the court at any time of any day or night; and

(3) return the warrant to the judge designated in the warrant.

(Source: P.A. 89-377, eff. 8-18-95.)

(725 ILCS 5/108-6) (from Ch. 38, par. 108-6)

Sec. 108-6. Execution of search warrants.

(a) A search ~~The~~ warrant issued under subsection (a) or (b) of Section 108-3 of this Act shall be executed within 96 hours from the time of issuance. If the warrant is executed the duplicate copy shall be left with any person from whom any instruments, articles or things are seized or if no person is available the copy shall be left at the place from which the instruments, articles or things were seized. Any warrant not executed within such time shall be void and shall be returned to the court of the judge issuing the same as "not executed".

(b) A tracking device search warrant issued under subsection (c) of Section 108-3 of this Act shall specify a reasonable length of time that the device may be used. The time must not exceed 45 days from the date the tracking device search warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable period not to exceed 45 days each. The tracking device search warrant shall command the officer to complete, or cause to be completed, the installation authorized by the warrant within a specified time no longer than 10 days from the time of issuance of the tracking device search warrant. The tracking device search warrant authorizes the use of the tracking device within the State of Illinois, and outside the State of Illinois if the tracking device was installed within the State of Illinois or if the interception of the tracking device information is occurring within the State of Illinois. The officer executing a tracking device warrant must enter on it the exact date and time the device was installed or otherwise activated, the identity of the individual or individuals responsible for the device's installation or activation, and the period during which it was used. Within 10 days after the use of the tracking device has ended, the officer executing the warrant must return it to the judge issuing the tracking device search warrant, or before a judge named in the tracking device search warrant or before a court of competent jurisdiction. Within 10 days after the use of the tracking device has ended, the officer executing a tracking device search warrant must serve a copy of the tracking device search warrant on the person who was tracked or whose property was tracked. Service may be accomplished by delivering a copy to the person who, or whose property, was tracked, if known, or by leaving a copy at the person's residence or usual place of abode with an individual of suitable age and discretion who resides at that location and by mailing a copy to the person's last known address. Upon the request of the State, the judge may delay notice. A warrant not executed within that time shall be void and shall be returned to the court of the judge issuing the same as "not executed."

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/108-7) (from Ch. 38, par. 108-7)

Sec. 108-7. Command of search warrant.

(a) A search ~~The~~ warrant issued under subsection (a) or (b) of Section 108-3 of this Act shall command the person directed to execute the same to search the place or person particularly described in the warrant and to seize the instruments, articles or things particularly described in the warrant.

(b) A tracking device search warrant issued under subsection (c) of Section 108-3 of this Act shall command the person directed to execute the warrant to:

(1) complete or cause to be completed the installation authorized by the warrant within a specified time no longer than 10 days from the date of issuance of the tracking device search warrant;

(2) perform or cause to be performed the installation authorized by the court at any time of any day or night; and

(3) return the warrant to the judge designated in the warrant.

(c) The tracking device search warrant may authorize the removal of the tracking device after the use of the tracking device has ended from any public place where the tracking device may be located.

(Source: Laws 1963, p. 2836.)

(725 ILCS 5/108-10) (from Ch. 38, par. 108-10)

Sec. 108-10. Return to court of things seized or data collected.

(a) Except as provided in subsection (b), a ~~A~~ return of all instruments, articles or things seized shall be made without unnecessary delay before the judge issuing the warrant or before any judge named in the search warrant or before any court of competent jurisdiction. An inventory of any instruments, articles or things seized shall be filed with the return and signed under oath by the officer or person executing the warrant. The judge shall upon request deliver a copy of the inventory to the person from whom or from whose premises the instruments, articles or things were taken and to the applicant for the warrant.

(b) Within 10 days after the use of the tracking device has ended, the officer executing the tracking device search warrant must return it to the judge issuing the tracking device search warrant, or before a judge named in the tracking device search warrant or before a court of competent jurisdiction. The return may take the form of a printout, or electronic copy, of the electronic tracking device data.

(Source: Laws 1963, p. 2836.)".

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.

On motion of Senator Dillard, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3703** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **Senate Bill No. 3704** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 3676** having been printed, was taken up, read by title a second time.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3676

AMENDMENT NO. 1. Amend Senate Bill 3676 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 15-173 as follows:

(35 ILCS 200/15-173 new)

Sec. 15-173. Foreclosed property; reduction.

(a) Beginning July 1, 2012 and ending June 30, 2020, the chief county assessment officer shall reduce the assessed value of the improvements to residential real property to 10% of the equalized assessed value of those improvements on June 30, 2012, if and only if all of the following factors have been met:

(1) the improvements are predominantly residential;

(2) the parcel was purchased or otherwise conveyed to the taxpayer after January 1, 2008;

(3) the parcel was the subject of a judicial foreclosure sale that occurred after January 1, 2008;

(4) an existing, predominantly residential dwelling structure of no more than 6 units is present on the parcel, and that residential dwelling was unoccupied at the time of conveyance;

(5) the taxpayer does not occupy or intend to occupy the residential dwelling as his or her principal residence;

(6) the taxpayer immediately secures the residential dwelling in accordance with the requirements of this Section; and

(7) the taxpayer completes all rehabilitation within 9 months of conveyance;

(8) the property meets local building code requirements; and

(9) there exist no liens for back taxes or other tax liens on the parcel.

(b) For purposes of this Section, "secure" means that:

(1) all doors and windows are closed and secured using: secure doors; windows without broken or cracked panes; commercial-quality metal security panels, filled with like-kind material as the surrounding wall; or plywood installed and secured in accordance with local ordinance. At least one building entrance shall be accessible from the exterior and secured with a door that is locked to allow access only to authorized persons;

(2) all grass and weeds on the vacant residential property are maintained below 10 inches in height, unless a local ordinance imposes a lower height;

(3) debris, trash, and litter on any portion of the exterior of the vacant residential property is removed in compliance with local ordinance;

(4) fences, gates, stairs and steps that lead to the main entrance of the building are maintained in a structurally sound and reasonable manner;

(5) the property is winterized when appropriate;

(6) the exterior of the improvements are reasonably maintained to ensure the safety of passersby; and

(7) vermin and pests are regularly exterminated on the exterior and interior of the property.

(c) In order to be eligible for and receive benefits conferred by this Section, the taxpayer must submit an affidavit with the regularly scheduled property tax payment setting forth the following information:

(1) postal address;

(2) permanent index number; and

(3) that all conditions of this Section have been met.

(d) The reduction outlined in this Section shall be activated when the affidavit described in this Section is submitted to and accepted by the chief county assessment officer and shall continue for a period of 5 years.

(e) At the completion of the assessment freeze period described here, the entire parcel be assessed as otherwise provided in this Code.

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.

On motion of Senator Harmon, **Senate Bill No. 3765** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 3792** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 3794** having been printed, was taken up, read by title a second time.

Senator Holmes offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3794

AMENDMENT NO. 1. Amend Senate Bill 3794 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Financial Reporting Standards Board Act.

Section 5. Definitions. As used in this Act:

"Board" means the Financial Reporting Standards Board created under Section 10 of this Act.

"CAFR" means the Comprehensive Annual Financial Report required under Section 19.5 of the State Comptroller Act.

"Comptroller" means the Comptroller of the State of Illinois.

"GAAP Coordinator" means a designated representative, employed by a State agency or component unit of the State, who is responsible for submission to the Office of the Comptroller all required documentation, as determined by the Office of the Comptroller, necessary for the preparation of the Comprehensive Annual Financial Report.

"Internal auditor" means an auditor employed by a State agency under the Fiscal Control and Internal Auditing Act.

"Licensed Certified Public Accountant" has the meaning provided in Section 0.03 of the Illinois Public Accounting Act.

"Registered Certified Public Accountant" has the meaning provided in Section 0.03 of the Illinois Public Accounting Act.

"Schedule of Expenditures of Federal Awards" and "SEFA" mean the supplemental information required by the federal Office of Management and Budget, Circular A-133.

"State agency" means all departments, officers, commissions, boards, authorities, institutions, universities, foundations, and bodies politic and corporate of the State that are required to submit financial reporting information to the Office of the Auditor General, the Office of the Comptroller, or the federal government.

Section 10. Financial Reporting Standards Board; creation.

(a) There is created the Financial Reporting Standards Board. The Board shall assist the State in improving the timeliness, quality, and processing of financial reporting for the State.

(b) The Board shall consist of 3 members appointed by the Comptroller and 2 members appointed by the Governor, all with the advice and consent of the Senate.

(c) Each member shall be licensed or registered as a certified public accountant.

(d) Of the initial members appointed to the Board: one member appointed by the Comptroller shall be appointed for a 2-year term; one member appointed by the Comptroller and one member appointed by the Governor shall be appointed for a 3-year term; and one member appointed by the Comptroller and one member appointed by the Governor shall be appointed for a 4-year term. Those members may be reappointed for 4-year terms. Their successors shall be appointed for 4-year terms and may be reappointed. A vacancy on the Board shall be filled for the remainder of the unexpired term, in the same manner and by the same officer who made the original appointment.

(e) The Comptroller and the Governor shall each designate one of their appointed members as co-chairperson of the Board.

(f) The Board shall meet at least 2 times each year and at other times at the call of the chairpersons. Meetings of the Board shall be subject to the provisions of the Open Meetings Act.

(g) The members of the Board shall serve without compensation, but may be reimbursed for expenses.

Section 15. Powers. The Board has the following powers:

(1) to have a corporate seal, and to alter that seal at pleasure, and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any other manner;

(2) to use the services of the Office of the Comptroller and the Office of the Governor as necessary to carry out the Board's purposes;

(3) to receive and expend funds appropriated to it by the General Assembly;

(4) to assist State agencies with being timely and accurate in the processing of financial reporting for the State by:

(A) establishing minimum qualifications for all new GAAP Coordinators, in cooperation with the Comptroller's Division of Financial Reporting;

(B) establishing minimum training requirements for GAAP Coordinators, in cooperation with the Comptroller's Division of Financial Reporting;

(C) establishing continuing education requirements for GAAP Coordinators, in cooperation with the Comptroller's Division of Financial Reporting;

(D) establishing best practice guidelines for GAAP package submissions, in cooperation with the Comptroller's Division of Financial Reporting; and

(E) providing assistance during the GAAP cycle, in cooperation with the Comptroller's Financial Reporting Division;

(5) to request information, and to make any inquiry, investigation, survey, audit, or study that the Board may deem necessary to enable it effectively to carry out the provisions of this

Act;

(6) to engage in any activity or operation that is incidental to and in furtherance of efficient operation to accomplish the Board's purposes;

(7) to adopt, revise, amend, and repeal rules with respect to its operations, properties, and facilities as may be necessary or convenient to carry out the purposes of this Act, subject to the provisions of the Illinois Administrative Procedure Act;

(8) to consult with other states and private businesses that have successfully modernized and streamlined their financial reporting systems;

(9) to use current State resources that are already available inside of State government, and to use current financial reporting principles and practices, including, but not limited to, principles and practices of the Auditor General and the Comptroller;

(10) to issue reports to the General Assembly concerning State agencies that are deficient in their GAAP submission responsibilities; and

(11) to participate in the development of a statewide GAAP-compliant financial reporting system.

Section 20. Audits.

(a) Within 12 months after the effective date of this Act, the Internal Auditor of every State agency that submits a GAAP package must submit a completed initial audit to the Board.

The audit shall include, but is not limited to, the following:

(1) the identity, tenure, and qualifications of the agency's GAAP Coordinator;

(2) whether the agency is or has been delinquent in the submission of any GAAP packages or forms and the number of days during which the submission was delinquent;

(3) whether the agency is or has been delinquent in the submission of any Schedule of Expenditures of Federal Awards (where applicable); and

(4) any errors in any financial statements published by the Agency (where applicable).

(b) In addition, the Internal Auditor of every State agency that submits a GAAP package must submit an annual audit of its GAAP and financial statement process, if applicable, to the Board.

(c) The Board shall submit the reports created under subsections (a) and (b) to the Comptroller and the Governor.

Section 25. Responsibilities of other parties.

(a) The Comptroller's Division of Financial Reporting shall assist State agencies during the GAAP process and shall review GAAP packages and preparation of the CAFR. In addition, the Comptroller's Division of Financial Reporting shall cooperate with the Board in the following matters:

(1) the development of a GAAP training program for State agencies;

(2) the development of continuing education for employees of State agencies; and

(3) the development of detailed standards for GAAP reporting by State agencies.

(b) The Governor's Office has the following responsibilities under this Act:

(1) to ensure that State agencies maintain the minimum standards for qualifications, training and education for GAAP coordinators;

(2) to ensure that State agencies complete an initial audit on the GAAP process;

(3) to ensure that State agencies complete an annual audit on the GAAP process; and

(4) to ensure that proper resources are allocated to the State agencies to meet their GAAP and Financial Statement reporting responsibilities.

(c) State agencies have the following responsibilities under this Act:

(1) to perform an initial audit of the GAAP process;

(2) to perform annual audits of the GAAP process;

(3) to ensure that proper resources are allocated to meet their GAAP and Financial Statement reporting responsibilities; and

(4) to adhere to the Board's guidance in regards to GAAP package processing and maintaining minimum standards for qualifications, training, and education for GAAP coordinators.

Section 30. Cooperation. All State agencies must render full cooperation to the Board and its employees.

Section 65. The State Finance Act is amended by adding Sections 5.811 and 6z-93 as follows:

(30 ILCS 105/5.811 new)

Sec. 5.811. The Financial Reporting Standards Revolving Fund.

(30 ILCS 105/6z-93 new)

Sec. 6z-93. The Financial Reporting Standards Revolving Fund; creation. The Financial Reporting Standards Revolving Fund is hereby created as a revolving Fund in the State treasury. The Fund may receive moneys or transfers for GAAP-related services provided to State agencies. State agencies shall reimburse the Comptroller for the cost of training, education, assistance, audits, studies, and other costs incurred on their behalf as a result of the Financial Reporting Standards Board Act. The Comptroller may advance bill for services for the upcoming GAAP cycle. The Comptroller shall adjust any future billings for any advance billing inaccuracies. The State agency may voucher the payments to the Comptroller or they may initiate a fund transfer to the Comptroller. State moneys may be appropriated from the Fund for the expenses of the Financial Reporting Standards Board, and for the operations of the Comptroller's Division of Financial Reporting.

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.

On motion of Senator Harmon, **Senate Bill No. 3766** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3766

AMENDMENT NO. 2. Amend Senate Bill 3766 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 19-145 and by adding Sections 19-150 and 19-155 as follows:

(220 ILCS 5/19-145)

Sec. 19-145. Automatic adjustment clause tariff; uncollectibles.

(a) A gas utility shall be permitted, at its election, to recover through an automatic adjustment clause tariff the incremental difference between its actual uncollectible amount as set forth in Account 904 in the utility's most recent annual Form 21 ILCC and the uncollectible amount included in the utility's rates for the period reported in such annual Form 21 ILCC. The Commission may, in a proceeding to review a general rate case filed subsequent to the effective date of the tariff established under this Section, prospectively switch, from using the actual uncollectible amount set forth in Account 904 to using net write-offs in such tariff, but only if net write-offs are also used to determine the utility's uncollectible amount in rates. In the event the Commission requires such a change, it shall be made effective at the beginning of the first full calendar year after the new rates approved in such proceeding are first placed in effect and an adjustment shall be made, if necessary, to ensure the change does not result in double-recovery or unrecovered uncollectible amounts for any year. For purposes of this Section, "uncollectible amount" means the expense set forth in Account 904 of the utility's Form 21 ILCC or cost of net write-offs as appropriate. In the event the utility's rates change during the period of time reported in its most recent annual Form 21 ILCC, the uncollectible amount included in the utility's rates during such period of time for purposes of this Section will be a weighted average, based on revenues earned during such period by the utility under each set of rates, of the uncollectible amount included in the utility's rates at the beginning of such period and at the end of such period. This difference may either be a charge or a credit to customers depending on whether the uncollectible amount is more or less than the uncollectible amount then included in the utility's rates.

(b) The tariff may be established outside the context of a general rate case filing, and shall specify the terms of any applicable audit. The Commission shall review and by order approve, or approve as modified, the proposed tariff within 180 days after the date on which it is filed. Charges and credits under the tariff shall be allocated to the appropriate customer class or classes. In addition, customers who do not purchase their gas supply from a gas utility and whose receivables are not included in a purchase of receivable program under Section 19-150 shall not be charged by the utility for uncollectible amounts associated with gas supply provided by the utility to the utility's customers. Upon approval of the tariff, the utility shall, based on the 2008 Form 21 ILCC, apply the appropriate credit or charge based on the

full year 2008 amounts for the remainder of the 2010 calendar year. Starting with the 2009 Form 21 ILCC reporting period and each subsequent period, the utility shall apply the appropriate credit or charge over a 12-month period beginning with the June billing period and ending with the May billing period, with the first such billing period beginning June 2010.

(c) The approved tariff shall provide that the utility shall file a petition with the Commission annually, no later than August 31st, seeking initiation of an annual review to reconcile all amounts collected with the actual uncollectible amount in the prior period. As part of its review, the Commission shall verify that the utility collects no more and no less than its actual uncollectible amount in each applicable Form 21 ILCC reporting period. The Commission shall review the prudence and reasonableness of the utility's actions to pursue minimization and collection of uncollectibles which shall include, at a minimum, the 6 enumerated criteria set forth in this Section. The Commission shall determine any required adjustments and may include suggestions for prospective changes in current practices. Nothing in this Section or the implementing tariffs shall affect or alter the gas utility's existing obligation to pursue collection of uncollectibles or the gas utility's right to disconnect service. A utility that has in effect a tariff authorized by this Section shall pursue minimization of and collection of uncollectibles through the following activities, including but not limited to:

(1) identifying customers with late payments;

(2) contacting the customers in an effort to obtain payment;

(3) providing delinquent customers with information about possible options, including payment plans and assistance programs;

(4) serving disconnection notices;

(5) implementing disconnections based on the level of uncollectibles; and

(6) pursuing collection activities based on the level of uncollectibles.

(d) Nothing in this Section shall be construed to require a utility to immediately disconnect service for nonpayment.

(Source: P.A. 96-33, eff. 7-10-09.)

(220 ILCS 5/19-150 new)

Sec. 19-150. Purchase of receivables.

(a) For the purposes of this Section:

"Qualifying alternative gas supplier" means an alternative gas supplier that (i) is certified under Section 19-110 of this Act and (ii) includes its charges for gas sales made in a gas utility's service area on that gas utility's bill pursuant to Section 19-135 of this Act.

"Administrative costs" means all of the utility's costs incurred in its administration of the purchase of receivables program except for the deemed intangible costs.

(b) Within 6 months after the effective date of this amendatory Act of the 97th General Assembly, a gas utility with at least 100,000 customers that offers transportation service to residential customers and small commercial customers shall file a tariff pursuant to Article IX of this Act that provides qualifying alternative gas suppliers with the option to have the gas utility purchase their receivables for gas sales that are (1) made to residential customers and small commercial customers, as those terms are defined in Section 19-105 of this Article, and (2) charged on the gas utility's bill.

(c) Receivables for gas sales of qualifying alternative gas suppliers that are charged on the gas utility's bill shall be purchased by the gas utility at a discount rate of 1%. The rate shall include 0.5% to be retained by the gas utility for recovery of deemed intangible costs, and neither this 0.5% portion of the rate, nor the deemed intangible costs, are subject to review by the Commission. The remaining 0.5% of the 1% discount rate shall be retained by the gas utility for recovery of the gas utility's administrative costs and is subject to periodic review by the Commission. Any portion of the 0.5% intended for recovery of administrative costs that is found by the Commission, after notice and hearing, to be in excess of just and reasonable costs shall annually, no later than August 1, be provided to the Department of Commerce and Economic Opportunity for the purpose of paying late payment charges and reconnection fees for households at or below 150% of the poverty level that have entered into a payment plan behind the individual utility service territory that is making the payment. The Department of Commerce and Economic Opportunity shall spend the entire amount provided before August 1 of the following year. To the extent there is a surplus, the Department shall have the ability to pay commodity arrearage amounts for households at or below 150% of the poverty level. Prior to August 1 of each year, the Department of Commerce and Economic Opportunity shall provide a report to the Commission on the number of households that received funds from this payment and for what purpose the payment was made.

(d) In making a just and reasonable determination on the administrative costs, the Commission shall consider:

(1) the gas utility's reasonable start-up costs and administrative costs associated with the gas utility's purchase of receivables;

(2) the impact, if used by the gas utility, of an automatic adjustment clause tariff pursuant to Section 19-145 of this Act to recover uncollectible expense; and

(3) whether the gas utility recovers uncollectible expenses from customers of qualifying alternative gas suppliers through any of its existing rates or charges.

(e) Reasonable start-up costs and administrative costs associated with the gas utility's purchase of receivables shall in the first instance be recovered from qualifying alternative gas suppliers through the gas utility's discount rate assessed by the gas utility on those qualifying alternative gas suppliers who have the gas utility purchase their receivables. In order to prevent barriers to suppliers' use of a purchase of receivables program and ensure full cost recovery for the gas utility in a timely manner, a portion of the gas utility's reasonable start-up costs, subject to reasonable carrying charges as determined by the Commission, may be deferred for later recovery from qualifying alternative gas suppliers who have the gas utility purchase their receivables through the discount rate or a monthly per bill fee, if such deferral is deemed to be necessary by the Commission. The gas utility retains the rights to (1) impose the same terms on residential customers supplied by qualifying alternative gas suppliers with respect to credit and collection, including requests for deposits, and (2) disconnect the customers, if it does not receive payment for its tariffed services or purchased receivables, in the same manner that it would be permitted to if the customers had purchased gas supply service from the gas utility. Any combination gas and electric utility serving more than 1,000,000 total customers shall be exempt from the requirements of this Section unless and until the Commission approves a proposed small volume transportation tariff that includes consolidated billing and any associated cost recovery provisions for an exempt utility. With regard to exempt utilities, the Commission may approve a small volume transportation tariff including consolidated billing and associated cost recovery as part of a general rate increase or other tariff filing.

(f) The tariff filed pursuant to this Section shall permit the gas utility to recover from customers any uncollected receivables that may arise as a result of the purchase of receivables under this Section. The tariff filed pursuant to this Section shall provide for recovery of the prudently incurred costs associated with the provision of this service pursuant to this Section and may include other just and reasonable terms and conditions. Nothing in this Section permits the double recovery of uncollectible expenses from customers.

(g) Amounts collected by the gas utility attributable to the 0.5% portion of the discount rate under this Section for deemed intangible costs shall not be used by the Commission to lower the base rate revenue requirement of the gas utility in any subsequent rate case. In order to limit the implications on short-term debt of the gas utility, a gas utility may choose to delay purchase of unpaid receivables until the bill due date. Other than for initial implementation of the purchase of receivables program, when so choosing, a gas utility shall remit payments to the alternative gas suppliers no more than 2 business days after the due date.

(220 ILCS 5/19-155 new)

Sec. 19-155. Aggregation of natural gas load by municipalities and counties.

(a) The corporate authorities of a municipality or county board of a county may adopt an ordinance under which it may aggregate in accordance with this Section residential customers and small commercial customer natural gas loads located, respectively, within the municipality or the unincorporated areas of the county and, for that purpose, may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of natural gas and related services and equipment.

The corporate authorities or county board may also exercise such authority jointly with any other municipality or county. Two or more municipalities or counties, or a combination of both, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as required by this Section.

If the corporate authorities or the county board seek to operate the aggregation program as an opt-out program for residential customers and small commercial customers, then prior to the adoption of an ordinance with respect to aggregation of residential customers and small commercial customer natural gas loads, the corporate authorities of a municipality or the county board of a county shall submit a referendum to its residents to determine whether or not the aggregation program shall operate as an opt-out program for residential customers and small commercial customers.

In addition to the notice and conduct requirements of the general election law, notice of the referendum shall state briefly the purpose of the referendum. The question of whether the corporate authorities or the county board shall adopt an opt-out aggregation program for residential customers and small commercial customers shall be submitted to the electors of the municipality or county board at a

regular election and approved by a majority of the electors voting on the question. The corporate authorities or county board must certify to the proper election authority, which must submit the question at an election in accordance with the Election Code.

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

"Shall the (municipality or county in which the question is being voted upon) have the authority to arrange for the supply of natural gas for its residential customers and small commercial customers who have not opted out of such program?"

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

If a majority of the electors voting on the question vote in the affirmative, then the corporate authorities or county board may implement an opt-out aggregation program for residential customers and small commercial customers.

A referendum must pass in each particular municipality or county that is engaged in the aggregation program. If the referendum fails, then the corporate authorities or county board shall operate the aggregation program as an opt-in program for residential customers and small commercial customers.

An ordinance under this Section shall specify whether the aggregation shall occur only with the prior consent of each person owning, occupying, controlling, or using a natural gas load center proposed to be aggregated. Nothing in this Section, however, authorizes the aggregation of natural gas loads that are served or authorized to be served by a municipality that owns and operates its own gas distribution system. No aggregation shall take effect unless approved by a majority of the members of the corporate authority or county board voting upon the ordinance. A governmental aggregator under this Section is not a public utility, agent, broker, consultant or an alternative retail gas supplier.

(b) Upon the applicable requisite authority under this Section, the corporate authorities or the county board shall develop a plan of operation and governance for the aggregation program so authorized. Before adopting a plan under this Section, the corporate authorities or county board shall hold at least 2 public hearings on the plan. Before the first hearing, the corporate authorities or county board shall publish notice of the hearings once a week for 2 consecutive weeks in a newspaper of general circulation in the jurisdiction. The notice shall summarize the plan and state the date, time, and location of each hearing. Any load aggregation plan established pursuant to this Section shall:

(1) provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers;

(2) describe demand management and energy efficiency services to be provided to each class of customers; and

(3) meet any requirements established by law concerning aggregated service offered pursuant to this Section.

(c) The process for selecting a natural gas supplier and awarding proposed agreements for the purchase of natural gas and other related services shall be conducted in the following order:

(1) First, the corporate authorities or county board may solicit bids for natural gas and other related services.

(2) Then, notwithstanding Section 19-115 of this Act and Section 2FFF of the Consumer Fraud and Deceptive Business Practices Act, a natural gas utility that provides residential customers and small commercial customers natural gas service in the aggregate area must, upon request of the corporate authorities or the county board in the aggregate area, submit to the requesting party, in an electronic format, those account numbers, names, and addresses of residential customers and small commercial customers in the aggregate area that are reflected in the natural gas utility's records at the time of the request. Any corporate authority or county board receiving customer information from a natural gas utility shall be subject to the limitations on the disclosure of the information described in Section 19-115 of this Act and Section 2FFF of the Consumer Fraud and Deceptive Business Practices Act, and a natural gas utility shall not be held liable for any claims arising out of the provision of information pursuant to this item (2).

(d) If the corporate authorities or county board operate under an opt-in program for residential customers and small commercial customers, then:

(1) within 60 days after receiving the bids, the corporate authorities or county board shall allow residential customers and small commercial customers to commit to the terms and conditions of a bid that has been selected by the corporate authorities or county board; and

(2) if (A) the corporate authorities or county board award proposed agreements for the purchase of natural gas and other related services and (B) an agreement is reached between the corporate authorities or county board for those services, then residential customers and small commercial customers committed to the terms and conditions according to item (1) of this subsection (d) shall be committed to the agreement.

(e) If the corporate authorities or county board operate as an opt-out program for residential customers and small commercial customers, then it shall be the duty of the aggregated entity to fully inform residential customers and small commercial customers in advance that they have the right to opt out of the aggregation program. The disclosure shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to Section 19-115 of this Act, how to access it, and the fact that it is available to them without penalty, if they are currently receiving service under that Section. Early termination fees, subject to paragraph (5) of subsection (g) of Section 19-115 of this Act, for consumers currently under contract with an alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier, are not considered penalties under this subsection.

(f) The Illinois Commerce Commission shall adopt rules to implement this Section, including, but not limited to, the protection of customers already under contract with an alternative retail gas supplier, gas utility processes for enrollment of opt-out customers, and minimum opt-out disclosure requirements for opt-out aggregation. The rules adopted under this subsection (f) shall specifically state that if a customer is currently under contract with an alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier, the customer shall not be automatically enrolled in the relevant municipal or county opt-out program and that the opt-out program shall not interfere with the existing agreement between the customer and alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier. Nothing shall prohibit a customer under contract with an alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier from explicitly, in writing, affirmatively choosing to enter into the local municipality's or county's opt-out program. The opt-out disclosure rules adopted under this subsection shall, at a minimum, disclose the possibility of a contract termination fee, subject to the terms of paragraph (5) of subsection (g) of Section 19-115 of this Act, for those customers under contract with alternative retail gas suppliers or an entity that provides services in competition with and similar to an alternative retail gas supplier.

(g) No municipality or county shall implement, in its plan of operation and governance, an opt-out program that automatically enrolls a customer that is currently under contract with an alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier into its municipal or county opt-out program. A customer that is currently under contract with an alternative retail gas supplier or an entity that provides services in competition with and similar to an alternative retail gas supplier that seeks to enroll in an opt-out program shall be required by the municipality or county, as applicable, to explicitly, in writing, affirm the choice to enter into said opt-out program.

(h) Nothing in this Section shall require a natural gas public utility without a Commission-approved small volume transportation program to accommodate aggregated load switching for any natural gas customers.

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.

POSTING NOTICE WAIVED

Senator Harmon moved to waive the six-day posting requirement on **House Bill No. 2009** so that the measure may be heard in the Committee on Executive that is scheduled to meet March 28, 2012.

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

YEAS 33; NAYS 19.

The following voted in the affirmative:

Clayborne	Harmon	Link	Schoenberg
Collins, A.	Holmes	Maloney	Silverstein

Collins, J.	Hunter	Martinez	Steans
Crotty	Hutchinson	McGuire	Sullivan
Delgado	Jacobs	Mulroe	Trotter
Forby	Jones, E.	Muñoz	Mr. President
Frerichs	Koehler	Noland	
Garrett	Kotowski	Raoul	
Haine	Lightford	Sandoval	

The following voted in the negative:

Althoff	Johnson, C.	McCann	Righter
Bivins	Jones, J.	McCarter	Sandack
Cultra	Landek	Murphy	Schmidt
Dillard	Lauzen	Pankau	Syverson
Duffy	Luechtefeld	Rezin	

The motion prevailed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Mulroe, **Senate Bill No. 3810** having been printed, was taken up, read by title a second time.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3810

AMENDMENT NO. 1. Amend Senate Bill 3810 on page 23, by inserting after line 11 the following:

"Section 20. (Blank).
(765 ILCS 5/31.5 rep.)
Section 21. Repeal. The Conveyances Act is amended by repealing Section 31.5.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Mulroe offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3810

AMENDMENT NO. 2. Amend Senate Bill 3810 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Uniform Assignment of Rents Act.

Section 2. Definitions. In this Act:

(1) "Assignee" means a person entitled to enforce an assignment of rents.

(2) "Assignment of rents" means a transfer of an interest in rents in connection with an obligation secured by real property located in this State and from which the rents arise.

(3) "Assignor" means a person that makes an assignment of rents or the successor owner of the real property from which the rents arise.

(4) "Cash proceeds" means proceeds that are money, as defined in Article 1 of the Uniform Commercial Code, whether in the form of cash, checks, deposit accounts, or the like.

(5) "Day" means calendar day.

(6) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank, savings bank, savings and loan association, credit union, or trust company.

(7) "Document" means information that is inscribed on a tangible medium or that is stored on an electronic or other medium and is retrievable in perceivable form.

(8) "Notification" means a document containing information that this Act requires a person to provide to another, signed by the person required to provide the information.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability

company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(10) "Proceeds" means personal property that is received or collected on account of a tenant's obligation to pay rents.

(11) "Purchase" means to take by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(12) "Rents" means:

(A) sums payable for the right to possess or occupy, or for the actual possession or occupation of, real property of another person;

(B) sums payable to an assignor under a policy of rental interruption insurance covering real property;

(C) claims arising out of a default in the payment of sums payable for the right to possess or occupy real property of another person;

(D) sums payable to terminate an agreement to possess or occupy real property of another person;

(E) sums payable to an assignor for payment or reimbursement of expenses incurred in owning, operating and maintaining, or constructing or installing improvements on, real property; or

(F) any other sums payable under an agreement relating to the real property of another person that constitute rents under law of this State other than this Act.

(13) "Secured obligation" means an obligation the performance of which is secured by an assignment of rents.

(14) "Security instrument" means a document, however denominated, that creates or provides for a security interest in real property, whether or not it also creates or provides for a security interest in personal property.

(15) "Security interest" means an interest in property that arises by agreement and secures performance of an obligation.

(16) "Sign" means, with present intent to authenticate or adopt a document:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the document an electronic sound, symbol, or process.

(17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(18) "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate county clerk or recorder's office under the Conveyances Act.

(19) "Tenant" means a person that has an obligation to pay sums for the right to possess or occupy, or for possessing or occupying, the real property of another person.

Section 3. Manner of giving notification.

(a) Except as otherwise provided in subsections (c) and (d), a person gives a notification or a copy of a notification under this Act:

(1) by depositing it with the United States Postal Service or with a commercially reasonable delivery service, properly addressed to the intended recipient's address as specified in subsection (b), with first-class postage or cost of delivery provided for; or

(2) if the recipient agreed to receive notification by facsimile transmission, electronic mail, or other electronic transmission, by sending it to the recipient in the agreed manner at the address specified in the agreement.

(b) The following rules determine the proper address for giving a notification under subsection (a):

(1) A person giving a notification to an assignee shall use the address for notices to the assignee provided in the document creating the assignment of rents, but, if the assignee has provided the person giving the notification with a more recent address for notices, the person giving the notification shall use that address.

(2) A person giving a notification to an assignor shall use the address for notices to the assignor provided in the document creating the assignment of rents, but, if the assignor has provided the person giving the notification with a more recent address for notices, the person giving the notification shall use that address.

(3) If a tenant's agreement with an assignor provides an address for notices to the tenant and the person giving notification has received a copy of the agreement or knows the address

for notices specified in the agreement, the person giving the notification shall use that address in giving a notification to the tenant. Otherwise, the person shall use the address of the premises covered by the agreement.

(c) If a person giving a notification pursuant to this Act and the recipient have agreed to the method for giving a notification, any notification must be given by that method.

(d) If a notification is received by the recipient, it is effective even if it was not given in accordance with subsection (a) or (c).

Section 4. Security instrument creates assignment of rents; assignment of rents creates security interest.

(a) An enforceable security instrument creates an assignment of rents arising from the real property described in the security instrument, unless the security instrument provides otherwise.

(b) An assignment of rents creates a presently effective security interest in all accrued and unaccrued rents arising from the real property described in the document creating the assignment, regardless of whether the document is in the form of an absolute assignment, an absolute assignment conditioned upon default, an assignment as additional security, or any other form. The security interest in rents is separate and distinct from any security interest held by the assignee in the real property.

Section 5. Recordation; perfection of security interest in rents; priority of conflicting interests in rents.

(a) A document creating an assignment of rents may be submitted for recording in the county clerk or recorder's office in the same manner as any other document evidencing a conveyance of an interest in real property.

(b) Upon recording, the security interest in rents created by an assignment of rents is fully perfected, even if a provision of the document creating the assignment or law of this State other than this Act would preclude or defer enforcement of the security interest until the occurrence of a subsequent event, including a subsequent default of the assignor, the assignee's obtaining possession of the real property, or the appointment of a receiver.

(c) Except as otherwise provided in subsection (d), a perfected security interest in rents takes priority over the rights of a person that, after the security interest is perfected:

(1) acquires a judicial lien against the rents or the real property from which the rents arise; or

(2) purchases an interest in the rents or the real property from which the rents arise.

(d) A perfected security interest in rents has priority over the rights of a person described in subsection (c) with respect to future advances to the same extent as the assignee's security interest in the real property has priority over the rights of that person with respect to future advances.

Section 6. Enforcement of security interest in rents.

(a) An assignee may enforce an assignment of rents using one or more of the methods specified in Sections 7, 8, and 9 or any other method sufficient to enforce the assignment under law of this State other than this Act.

(b) From the date of enforcement, the assignee or, in the case of enforcement by appointment of a receiver under Section 7, the receiver, is entitled to collect all rents that:

(1) have accrued but remain unpaid on that date; and

(2) accrue on or after that date, as those rents accrue.

Section 7. Enforcement by appointment of receiver.

(a) An assignee is entitled to the appointment of a receiver for the real property subject to the assignment of rents if:

(1) the assignor is in default and:

(A) the assignor has agreed in a signed document to the appointment of a receiver in the event of the assignor's default;

(B) it appears likely that the real property may not be sufficient to satisfy the secured obligation;

(C) the assignor has failed to turn over to the assignee proceeds that the assignee was entitled to collect; or

(D) a subordinate assignee of rents obtains the appointment of a receiver for the real property; or

(2) other circumstances exist that would justify the appointment of a receiver under law of this State other than this Act.

(b) An assignee may file a petition with the circuit court of as county in which any portion of the premises is located for the appointment of a receiver in connection with an action:

(1) to foreclose the security instrument;

(2) for specific performance of the assignment;

(3) seeking a remedy on account of waste or threatened waste of the real property subject to the assignment; or

(4) otherwise to enforce the secured obligation or the assignee's remedies arising from the assignment.

(c) An assignee that files a petition under subsection (b) shall also give a copy of the petition in the manner specified in Section 3 to any other person that, 10 days before the date the petition is filed, held a recorded assignment of rents arising from the real property.

(d) If an assignee enforces an assignment of rents under this Section, the date of enforcement is the date on which the court enters an order appointing a receiver for the real property subject to the assignment.

(e) From the date of its appointment, a receiver is entitled to collect rents as provided in Section 6(b). The receiver also has the authority provided in the order of appointment and law of this State other than this Act.

(f) The following rules govern priority among receivers:

(1) If more than one assignee qualifies under this Section for the appointment of a receiver, a receivership requested by an assignee entitled to priority in rents under this Act has priority over a receivership requested by a subordinate assignee, even if a court has previously appointed a receiver for the subordinate assignee.

(2) If a subordinate assignee obtains the appointment of a receiver, the receiver may collect the rents and apply the proceeds in the manner specified in the order appointing the receiver until a receiver is appointed under a senior assignment of rents.

Section 8. Enforcement by notification to assignor.

(a) Upon the assignor's default, or as otherwise agreed by the assignor, the assignee may give the assignor a notification demanding that the assignor pay over the proceeds of any rents that the assignee is entitled to collect under Section 6. The assignee shall also give a copy of the notification to any other person that, 10 days before the notification date, held a recorded assignment of rents arising from the real property.

(b) If an assignee enforces an assignment of rents under this Section, the date of enforcement is the date on which the assignor receives a notification under subsection (a).

(c) An assignee's failure to give a notification under subsection (a) to any person holding a recorded assignment of rents does not affect the effectiveness of the notification as to the assignor, but the other person is entitled to any relief permitted under law of this State other than this Act.

(d) An assignee that holds a security interest in rents solely by virtue of Section 4(a) may not enforce the security interest under this Section while the assignor occupies the real property as the assignor's primary residence.

Section 9. Enforcement by notification to tenant.

(a) Upon the assignor's default, or as otherwise agreed by the assignor, the assignee may give to a tenant of the real property a notification demanding that the tenant pay to the assignee all unpaid accrued rents and all unaccrued rents as they accrue. The assignee shall give a copy of the notification to the assignor and to any other person that, 10 days before the notification date, held a recorded assignment of rents arising from the real property. The notification must be signed by assignee and:

(1) identify the tenant, assignor, assignee, premises covered by the agreement between the tenant and the assignor, and assignment of rents being enforced;

(2) provide the recording data for the document creating the assignment or other reasonable proof that the assignment was made;

(3) state that the assignee has the right to collect rents in accordance with the assignment;

(4) direct the tenant to pay to the assignee all unpaid accrued rents and all unaccrued rents as they accrue;

(5) describe the manner in which subsections (c) and (d) affect the tenant's payment obligations;

(6) provide the name and telephone number of a contact person and an address to which

the tenant can direct payment of rents and any inquiry for additional information about the assignment or the assignee's right to enforce the assignment; and

(7) contain a statement that the tenant may consult a lawyer if the tenant has questions about its rights and obligations.

(b) If an assignee enforces an assignment of rents under this Section, the date of enforcement is the date on which the tenant receives a notification substantially complying with subsection (a).

(c) Subject to subsection (d) and any other claim or defense that a tenant has under law of this State other than this Act, following receipt of a notification substantially complying with subsection (a):

(1) a tenant is obligated to pay to the assignee all unpaid accrued rents and all unaccrued rents as they accrue, unless the tenant has previously received a notification from another assignee of rents given by that assignee in accordance with this Section and the other assignee has not canceled that notification;

(2) unless the tenant occupies the premises as the tenant's primary residence, a tenant that pays rents to the assignor is not discharged from the obligation to pay rents to the assignee;

(3) a tenant's payment to the assignee of rents then due satisfies the tenant's obligation under the tenant's agreement with the assignor to the extent of the payment made; and

(4) a tenant's obligation to pay rents to the assignee continues until the tenant receives a court order directing the tenant to pay the rent in a different manner or a signed document from the assignee canceling its notification, whichever occurs first.

(d) A tenant that has received a notification under subsection (a) is not in default for nonpayment of rents accruing within 30 days after the date the notification is received before the earlier of:

(1) 10 days after the date the next regularly scheduled rental payment would be due; or

(2) 30 days after the date the tenant receives the notification.

(e) Upon receiving a notification from another creditor that is entitled to priority under Section 5(c) that the other creditor has enforced and is continuing to enforce its interest in rents, an assignee that has given a notification to a tenant under subsection (a) shall immediately give another notification to the tenant canceling the earlier notification.

(f) An assignee's failure to give a notification under subsection (a) to any person holding a recorded assignment of rents does not affect the effectiveness of the notification as to the assignor and those tenants receiving the notification. However, the person entitled to the notification is entitled to any relief permitted by law of this State other than this Act.

(g) An assignee that holds a security interest in rents solely by virtue of Section 4(a) may not enforce the security interest under this Section while the assignor occupies the real property as the assignor's primary residence.

Section 10. Notification to tenant; form. No particular phrasing is required for the notification specified in Section 9. However, the following form of notification, when properly completed, is sufficient to satisfy the requirements of Section 9:

NOTIFICATION TO PAY RENTS TO PERSON OTHER THAN LANDLORD

Tenant: .....
Name of Tenant

Property Occupied by Tenant (the "Premises"): .....
Address

Landlord: .....
Name of Landlord

Assignee: .....
Name of Assignee

Address of Assignee and Telephone Number of Contact Person

Address of Assignee: .....

Telephone number of person to contact: .....

1. The Assignee named above has become the person entitled to collect your rents on the Premises listed above under .....

Name of document

(the "Assignment of Rents") dated .....,

Date

and recorded at .....

Recording data

with the County Clerk or Recorder of .....County.

County of Recording

You may obtain additional information about the Assignment of Rents and the Assignee's right to enforce it at the address listed above.

2. The Landlord is in default under the Assignment of Rents. Under the Assignment of Rents, the Assignee is entitled to collect rents from the Premises.

3. This notification affects your rights and obligations under the agreement under which you occupy the Premises (your "Agreement"). In order to provide you with an opportunity to consult with a lawyer, if your next scheduled rental payment is due within 30 days after you receive this notification, neither the Assignee nor the Landlord can hold you in default under your Agreement for nonpayment of that rental payment until 10 days after the due date of that payment or 30 days following the date you receive this notification, whichever occurs first. You may consult a lawyer at your expense concerning your rights and obligations under your Agreement and the effect of this notification.

4. You must pay to the Assignee at the address listed above all rents under your Agreement which are due and payable on the date you receive this notification and all rents accruing under your Agreement after you receive this notification. If you pay rents to the Assignee after receiving this notification, the payment will satisfy your rental obligation to the extent of that payment.

5. Unless you occupy the Premises as your primary residence, if you pay any rents to the Landlord after receiving this notification, your payment to the Landlord will not discharge your rental obligation, and the Assignee may hold you liable for that rental obligation, notwithstanding your payment to the Landlord.

6. If you have previously received a notification from another person that also holds an assignment of the rents due under your Agreement, you should continue paying your rents to the person that sent that notification until that person cancels that notification. Once that notification is canceled, you must begin paying rents to the Assignee in accordance with this notification.

7. Your obligation to pay rents to the Assignee will continue until you receive either:

(a) a written order from a court directing you to pay the rent in a manner specified in that order; or

(b) written instructions from the Assignee canceling this notification.

Assignee: .....

Name of Assignee

By: .....

Officer/authorized agent of Assignee

Section 11. Effect of enforcement. The enforcement of an assignment of rents by one or more of the methods identified in Sections 7, 8, and 9, the application of proceeds by the assignee under Section 12 after enforcement, the payment of expenses under Section 13, or an action under Section 14(d) does not:

(1) make the assignee a mortgagee in possession of the real property;

(2) make the assignee an agent of the assignor;

(3) constitute an election of remedies that precludes a later action to enforce the secured obligation;

(4) make the secured obligation unenforceable; or

(5) limit any right available to the assignee with respect to the secured obligation.

Section 12. Application of proceeds. Unless otherwise agreed, an assignee that collects rents under this Act or collects upon a judgment in an action under Section 14(d) shall apply the sums collected in the following order to:

(1) the assignee's reasonable expenses of enforcing its assignment of rents, including, to the extent provided for by agreement and not prohibited by law of this State other than this Act, reasonable attorney's fees and costs incurred by the assignee;

(2) reimbursement of any expenses incurred by the assignee to protect or maintain the real property subject to the assignment;

(3) payment of the secured obligation;

(4) payment of any obligation secured by a subordinate security interest or other lien on the rents if, before distribution of the proceeds, the assignor and assignee receive a notification from the holder of the interest or lien demanding payment of the proceeds; and

(5) the assignor.

Section 13. Application of proceeds to expenses of protecting real property; claims and defenses of tenant.

(a) Unless otherwise agreed by the assignee, and subject to subsection (c), an assignee that collects rents following enforcement under Section 8 or 9 need not apply them to the payment of expenses of protecting or maintaining the real property subject to the assignment.

(b) Unless a tenant has made an enforceable agreement not to assert claims or defenses, the right of the assignee to collect rents from the tenant is subject to the terms of the agreement between the assignor and tenant and any claim or defense arising from the assignor's nonperformance of that agreement.

(c) This Act does not limit the standing or right of a tenant to request a court to appoint a receiver for the real property subject to the assignment or to seek other relief on the ground that the assignee's nonpayment of expenses of protecting or maintaining the real property has caused or threatened harm to the tenant's interest in the property. Whether the tenant is entitled to the appointment of a receiver or other relief is governed by law of this State other than this Act.

Section 14. Turnover of rents; commingling and identifiability of rents; liability of assignor.

(a) In this Section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(b) If an assignor collects rents that the assignee is entitled to collect under this Act:

(1) the assignor shall turn over the proceeds to the assignee, less any amount representing payment of expenses authorized by the assignee; and

(2) the assignee continues to have a security interest in the proceeds so long as they are identifiable.

(c) For purposes of this Act, cash proceeds are identifiable if they are maintained in a segregated account or, if commingled with other funds, to the extent the assignee can identify them by a method of tracing, including application of equitable principles, that is permitted under law of this State other than this Act with respect to commingled funds.

(d) In addition to any other remedy available to the assignee under law of this State other than this Act, if an assignor fails to turn over proceeds to the assignee as required by subsection (b), the assignee may recover from the assignor in a civil action:

(1) the proceeds, or an amount equal to the proceeds, that the assignor was obligated to turn over under subsection (b); and

(2) reasonable attorney's fees and costs incurred by the assignee to the extent provided for by agreement and not prohibited by law of this State other than this Act.

(e) The assignee may maintain an action under subsection (d) without bringing an action to foreclose

any security interest that it may have in the real property. Any sums recovered in the action must be applied in the manner specified in Section 12.

(f) Unless otherwise agreed, if an assignee entitled to priority under Section 5(c) enforces its interest in rents after another creditor holding a subordinate security interest in rents has enforced its interest under Section 8 or 9, the creditor holding the subordinate security interest in rents is not obligated to turn over any proceeds that it collects in good faith before the creditor receives notification that the senior assignee has enforced its interest in rents. The creditor shall turn over to the senior assignee any proceeds that it collects after it receives the notification.

Section 15. Perfection and priority of assignee's security interest in proceeds.

(a) In this Section:

(1) "Article 9" means Article 9 of the Uniform Commercial Code or, to the extent applicable to any particular issue, Article 9 of the Uniform Commercial Code as adopted by the state whose laws govern that issue under the choice-of-laws rules contained in Article 9 as adopted by this State.

(2) "Conflicting interest" means an interest in proceeds, held by a person other than an assignee, that is:

(A) a security interest arising under Article 9; or

(B) any other interest if Article 9 resolves the priority conflict between that person and a secured party with a conflicting security interest in the proceeds.

(b) An assignee's security interest in identifiable cash proceeds is perfected if its security interest in rents is perfected. An assignee's security interest in identifiable noncash proceeds is perfected only if the assignee perfects that interest in accordance with Article 9.

(c) Except as otherwise provided in subsection (d), priority between an assignee's security interest in identifiable proceeds and a conflicting interest is governed by the priority rules in Article 9.

(d) An assignee's perfected security interest in identifiable cash proceeds is subordinate to a conflicting interest that is perfected by control under Article 9 but has priority over a conflicting interest that is perfected other than by control.

Section 16. Priority subject to subordination. This Act does not preclude subordination by agreement as to rents or proceeds.

Section 17. Uniformity of application and construction. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 18. Relation to Electronic Signatures in Global and National Commerce Act. This Act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that Act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that Act (15 U.S.C. Section 7003(b)).

Section 19. Application to existing relationships.

(a) Except as otherwise provided in this Section, this Act governs the enforcement of an assignment of rents and the perfection and priority of a security interest in rents, even if the document creating the assignment was signed and delivered before the effective date of this Act.

(b) This Act does not affect an action or proceeding commenced before the effective date of this Act.

(c) Section 4(a) of this Act does not apply to any security instrument signed and delivered before the effective date of this Act.

(d) This Act does not affect:

(1) the enforceability of an assignee's security interest in rents or proceeds if, immediately before the effective date of this Act, that security interest was enforceable;

(2) the perfection of an assignee's security interest in rents or proceeds if, immediately before the effective date of this Act, that security interest was perfected; or

(3) the priority of an assignee's security interest in rents or proceeds with respect to the interest of another person if, immediately before the effective date of this Act, the interest of the other person was enforceable and perfected, and that priority was established.

Section 20. (Blank).

(765 ILCS 5/31.5 rep.)

Section 21. Repeal. The Conveyances Act is amended by repealing Section 31.5.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 3824** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 3824

AMENDMENT NO. 1. Amend Senate Bill 3824 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 12-9 as follows:

(720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

Sec. 12-9. Threatening public officials.

(a) A person commits threatening a public official when:

(1) that person knowingly delivers or conveys, directly or indirectly, to a public official by any means a communication:

(i) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(ii) containing a threat that would place the public official or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty, because of hostility of the person making the threat toward the status or position of the public official, or because of any other factor related to the official's public existence.

(a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm.

(a-6) For purposes of a threat to a social worker, caseworker, or investigator, the threat must contain specific facts indicative of a unique threat to the person, family or property of the individual and not a generalized threat of harm.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney, assistant Attorney General, or Appellate Prosecutor; ~~,~~ ~~and~~ a sworn law enforcement or peace officer ; a social worker, caseworker, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, or the Department of Children and Family Services.

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(Source: P.A. 95-466, eff. 6-1-08; 96-1551, eff. 7-1-11.)".

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

On motion of Senator Sandoval, **Senate Bill No. 2526** having been printed, was taken up, read by title a second time.

Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

The following amendment was offered in the Committee on Energy, adopted and ordered printed:

AMENDMENT NO. 3 TO SENATE BILL 2526

AMENDMENT NO. 3. Amend Senate Bill 2526, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 5-115 as follows:
(220 ILCS 5/5-115 new)
Sec. 5-115. Minority, female, veterans, small business reports and spending. The Commission shall require all regulated gas and electric utilities with at least 100,000 customers under its authority to submit an annual report on all procurement goals and actual spending for minority-owned, women-owned, veteran-owned, and small business enterprises. These goals shall be expressed as a percentage of the total work performed by the regulated utility, and the actual spending for all minority-owned, women-owned, veteran-owned, and small business enterprises shall also be expressed as a percentage of the total work performed by the regulated utility.
Each regulated gas and electric utility with at least 100,000 customers shall submit the rules, regulations, and definitions used for their procurement goals in their annual report.
The Commission shall publish each annual report on its website and shall maintain each annual report for at least 5 years.

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

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2526

AMENDMENT NO. 4. Amend Senate Bill 2526 as follows:

on page 1, line 10, after "report", by inserting ", in a searchable Adobe PDF format,".

Senate Committee Amendment Nos. 1 and 2 were held in the Committee on Assignments.

The motion prevailed.
And the amendment was adopted and ordered printed.
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.

On motion of Senator Sandoval, **Senate Bill No. 2861** having been printed, was taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Crotty moved that **Senate Joint Resolution No. 58**, on the Secretary's Desk, be taken up for immediate consideration.
The motion prevailed.
Senator Crotty moved that Senate Joint Resolution No. 58 be adopted.
The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 6:54 o'clock p.m., Senator Sullivan, presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Schoenberg, **Senate Bill No. 3497** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 3497

AMENDMENT NO. 1. Amend Senate Bill 3497 by replacing everything after the enacting clause with the following:

"Section 10. The Illinois Lottery Law is amended by changing Section 7.12 as follows:
(20 ILCS 1605/7.12)
Sec. 7.12. Internet pilot program. The General Assembly finds that:
(1) the consumer market in Illinois has changed since the creation of the Illinois State Lottery in 1974;
(2) the Internet has become an integral part of everyday life for a significant number of Illinois residents not only in regards to their professional life, but also in regards to personal business and communication; and
(3) the current practices of selling lottery tickets does not appeal to the new form of market participants who prefer to make purchases on the internet at their own convenience.
It is the intent of the General Assembly to create an Internet pilot program for the sale of lottery tickets to capture this new form of market participant.
The Department shall create a pilot program that allows an individual 18 years of age or older to purchase lottery tickets or shares on the Internet without using a Lottery retailer with on-line status, as those terms are defined by rule. The Department shall restrict the sale of lottery tickets on the Internet to transactions initiated and received or otherwise made exclusively within the State of Illinois. The Department shall adopt rules necessary for the administration of this program. These rules shall include requirements for marketing of the Lottery to infrequent players. The provisions of this Act and the rules adopted under this Act shall apply to the sale of lottery tickets or shares under this program.
Before beginning the pilot program, the Department of the Lottery must submit a request to the United States Department of Justice for review of the State's plan to implement a pilot program for the sale of lottery tickets on the Internet and its propriety under federal law. The Department shall implement the Internet pilot program only if the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review.
The Department is obligated to implement the pilot program set forth in this Section and Sections 7.15 and 7.16 only at such time, and to such extent, that the Department of Justice does not object to the implementation of the program within a reasonable period of time after its review. While the Illinois Lottery may only offer Lotto, ~~and~~ Mega Millions , and Powerball games through the pilot program, the Department shall request review from the federal Department of Justice for the Illinois Lottery to sell lottery tickets on the Internet on behalf of the State of Illinois that are not limited to just these games.
The Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section. If a private manager has not been selected pursuant to Section 9.1 at the time the Department is obligated to implement the pilot program, then the Department shall not proceed with the pilot program until after the selection of the private manager, at which time the Department shall authorize the private manager to implement and administer the program pursuant to the management agreement entered into under Section 9.1 and in a manner consistent with the provisions of this Section.
The pilot program shall last for not less than 36 months, but not more than 48 months from the date of its initial operation.
Nothing in this Section shall be construed as prohibiting the Department from implementing and operating a website portal whereby individuals who are 18 years of age or older with an Illinois mailing address may apply to purchase lottery tickets via subscription.
(Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09; 96-840, eff. 12-23-09; 97-464, eff. 10-15-11.)".

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

On motion of Senator Schoenberg, **Senate Bill No. 3498** having been printed, was taken up, read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3498

AMENDMENT NO. 1. Amend Senate Bill 3498 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the State Police DNA Backlog Foundation Act.

Section 5. Creation of Foundation. The General Assembly authorizes the Department of State Police, in accordance with Section 10 of the State Agency Entity Creation Act, to create the Illinois State Police DNA Backlog Foundation. Under this authority, the Department of State Police shall create the Illinois State Police DNA Backlog Foundation as a not-for-profit foundation. The Department shall file articles of incorporation as required under the General Not For Profit Corporation Act of 1986 to create the Foundation. The Foundation's Board of Directors shall consist of the following members: the Attorney General or his or her designee, 2 members appointed by the President of the Illinois Senate; 2 members appointed by the Minority Leader of the Illinois Senate; 2 members appointed by the Speaker of the Illinois House of Representatives; 2 members appointed by the Minority Leader of the Illinois House of Representatives; and 4 members appointed by the Governor. Vacancies shall be filled in the same manner as original appointments. The Director of State Police shall chair the Board of Directors of the Foundation. No member of the Board of Directors may receive additional compensation for his or her services to the Foundation.

Section 10. Foundation purposes. The purposes of the Foundation are: to promote, support, assist, sustain, and encourage the continuing improvement of the processing of DNA samples received for testing by the Department of State Police, with a primary focus on the reduction, and future prevention, of any backlog in the processing of DNA samples by the Department of State Police; to solicit and accept aid or contributions consistent with the stated intent of the donor and the goals of the Foundation; to solicit and generate private funding and donations consistent with the foregoing purposes. The foundation shall operate within the provisions of the General Not For Profit Corporation Act of 1986.

Section 15. Organization, powers, and duties of Foundation. As soon as practical after the Foundation is created, the Board of Directors shall meet, organize, and designate, by majority vote, a treasurer, secretary, and any additional officers that may be needed to carry out the activities of the Foundation, and shall adopt bylaws of the Foundation. The Department of State Police may adopt other rules deemed necessary to govern Foundation procedures.

The Foundation may accept gifts or grants from the federal government, its agencies or officers, or from any person, firm, or corporation, and may expend receipts on activities that it considers suitable to the performance of its duties under this Act, including the making of grants to the Department of State Police to accomplish the purposes specified in Section 10 of this Act, and consistent with any requirement of the grant, gift, or bequest; however, the Foundation shall not accept gifts, grants, or any other funds from, or on behalf of, an incarcerated person, a person with a pending criminal case in State or federal court, or a person having a familial relationship with such a person. Funds collected by the Foundation shall be considered private funds, except those received from public entities, and shall be held in an appropriate account outside of the State Treasury. Private funds collected by the Foundation are not subject to the Public Funds Investment Act. Foundation procurement is exempt from the Illinois Procurement Code when only private funds are used for procurement expenditures. The treasurer of the Foundation shall be custodian of all Foundation funds. The Foundation's accounts and books shall be set up and maintained in a manner approved by the Auditor General; and the Foundation and its officers shall be responsible for the approval of recording of receipts, approval of payments, and the proper filing of required reports. The Foundation may be assisted in carrying out its functions by personnel of the Department of State Police. The Department shall provide reasonable assistance to the Foundation to achieve the purposes of the Foundation. The Foundation shall cooperate fully with the boards, commissions, agencies, departments, and institutions of the State. The funds held and made available by the Illinois State Police DNA Backlog Foundation shall be subject to financial and compliance audits by the Auditor General in compliance with the Illinois State Auditing Act.

Section 20. Disclosure to donors of exemption from Public Funds Investment Act. The Foundation must provide a written notice to any entity providing a gift, grant, or bequest to the Foundation that the Foundation is not subject to the provisions of the Public Funds Investment Act which Act places limitations on the types of securities in which a public agency may invest public funds.".

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.

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

March 27, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Heather Steans to temporarily replace Senator James Meeks as a member of the Senate Education Committee. This appointment will automatically expire, upon adjournment of the Senate Education Committee.

Sincerely,
s/John J. Cullerton
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, IL 62706
217-782-2728

March 27, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Frerichs to temporarily replace Senator Toi Hutchinson as a member of the Senate Labor Committee. This appointment will automatically expire, upon adjournment of the Senate Labor Committee.

Sincerely,
s/John J. Cullerton
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, IL 62706
217-782-2728

March 27, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Noland to temporarily replace Senator James Meeks as a member of the Senate Revenue Committee. This appointment will automatically expire, upon adjournment of the Senate Revenue Committee.

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

cc: Senate Minority Leader Christine Radogno

COMMUNICATION FROM THE MINORITY LEADER

CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER · 41st DISTRICT

March 27, 2012

Mr. Tim Anderson
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dan Duffy to temporarily replace Senator John Millner as a member of the Senate Transportation Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Transportation Committee.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

COMMUNICATION

[March 27, 2012]

ILLINOIS STATE SENATE
DON HARMON
PRESIDENT PRO TEMPORE
39TH DISTRICT

March 26, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the authority delegated to me by President Cullerton, I hereby designate Senator Pat McGuire as chief sponsor of Senate Bill 3578 due to the resignation of Senator A.J. Wilhelmi.

Sincerely,
s/Don Harmon
Don Harmon

At the hour of 6:58 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, March 28, 2012, at 10:00 o'clock a.m.