SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

109TH LEGISLATIVE DAY

WEDNESDAY, MAY 2, 2012

12:21 O'CLOCK P.M.

NO. 109
[May 2, 2012]

SENATE
Daily Journal Index
109th Legislative Day

The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Pastor Michael Dye, Knox Knolls Free Methodist Church, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, May 1, 2012, be postponed, pending arrival of the printed Journal.
The motion prevailed.

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

May 2, 2012

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as Chairman of the Senate Committee on Assignments. In addition, I hereby appoint Senator Terry Link to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. These appointments will automatically expire, upon adjournment of the Senate Committee on Assignments.

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

May 2, 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 Pat McGuire to temporarily replace Senator Steven Landek and Senator Michael Noland to temporarily replace Senator James Meeks, as members of the Senate Revenue Committee. These appointments 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

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 2, 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 Clayborne, as a member of the Senate Pensions & Investments Committee. This appointment will automatically expire, upon adjournment of the Senate Pensions & Investments 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

May 2, 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 Edward Maloney to temporarily replace Senator James Clayborne, as a member of the Senate Executive Committee. This appointment will automatically expire, upon adjournment of the Senate Executive Committee.

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

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 739

Offered by Senator McGuire and all Senators:
Mourns the death of Rose Mary Walton of Lockport.

SENATE RESOLUTION NO. 740

Offered by Senator McGuire and all Senators:
Mourns the death of Raul Munoz, Sr., of Joliet.

SENATE RESOLUTION NO. 741

Offered by Senator McGuire and all Senators:
Mourns the death of Harold Patrick Graham of Shorewood.

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

Senator A. Collins offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 742

WHEREAS, The members of the Senate are pleased to recognize the members of the Illinois Chapter of the National Pan-Hellenic Council, Inc., on the occasion of the organization's 3rd Annual Divine Nine African-American Greek Action Day at the Illinois State Capitol; and

WHEREAS, The National Pan-Hellenic Council, Inc., is composed of nine historically-black international Greek letter sororities and fraternities: Alpha Kappa Alpha Sorority, Inc., Alpha Phi Alpha Fraternity, Inc., Delta Sigma Theta Sorority, Inc., Zeta Phi Beta Sorority, Inc., Iota Phi Theta Fraternity, Inc., Kappa Alpha Psi Fraternity, Inc., Sigma Gamma Rho Sorority, Inc., Phi Beta Sigma Fraternity, Inc., and Omega Psi Phi Fraternity, Inc.; the NPHC promotes interaction through forums, meetings, and other mediums for the exchange of information and engages in cooperative programming and initiatives through various activities and functions; and

WHEREAS, In the spirit of collaboration and cooperation, members of the Illinois Chapter of the National Pan-Hellenic Council, Inc., will assemble at the Illinois State Capitol on May 9, 2012 to galvanize the Illinois General Assembly around numerous critical issues, such as legislative redistricting, education, gun violence, the budget crisis, job creation/jobs for ex-offenders, collective bargaining, workers rights, and health care; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the members of the Illinois Chapter of the National Pan-Hellenic Council, Inc., on this occasion and declare May 9, 2012 as Divine Nine African-American Greek Action Day as we welcome them to the Illinois State Capitol; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Illinois Chapter of the National Pan-Hellenic Council, Inc., as a symbol of our esteem and respect.

REPORTS FROM STANDING COMMITTEES

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 4545, 4715 and 4962,** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a 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. 2 to Senate Bill 555

Senate Amendment No. 1 to House Bill 3892

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5151, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Maloney, **House Bill No. 1864** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1864

AMENDMENT NO. 1. Amend House Bill 1864 as follows:

on page 4, line 1, by replacing "2012" with "2013"; and

on page 4, line 1, after "district", by inserting "eligible to receive an equalization grant based upon the preceding criteria"; and

on page 6, lines 4 and 5, by replacing "July 1, 2011" with "upon becoming law".

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

On motion of Senator Forby, **House Bill No. 2557** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 2557

AMENDMENT NO. 1. Amend House Bill 2557 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:

(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January

15, 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 28th calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on October 12, 1989 by the City of Lawrenceville.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

(1) if the ordinance was adopted before January 15, 1981;

(2) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989;

(3) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport;

(4) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County;

(5) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law;

(6) if the ordinance was adopted in December 1984 by the Village of Rosemont;

(7) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997;

(8) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis;

(9) if the ordinance was adopted on November 12, 1991 by the Village of Sauget;

(10) if the ordinance was adopted on February 11, 1985 by the City of Rock Island;

(11) if the ordinance was adopted before December 18, 1986 by the City of Moline;

(12) if the ordinance was adopted in September 1988 by Sauk Village;

(13) if the ordinance was adopted in October 1993 by Sauk Village;

(14) if the ordinance was adopted on December 29, 1986 by the City of Galva;

(15) if the ordinance was adopted in March 1991 by the City of Centreville;

(16) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis;

(17) if the ordinance was adopted on December 22, 1986 by the City of Aledo;

(18) if the ordinance was adopted on February 5, 1990 by the City of Clinton;

(19) if the ordinance was adopted on September 6, 1994 by the City of Freeport;

(20) if the ordinance was adopted on December 22, 1986 by the City of Tuscola;

(21) if the ordinance was adopted on December 23, 1986 by the City of Sparta;

(22) if the ordinance was adopted on December 23, 1986 by the City of Beardstown;

(23) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville;

(24) if the ordinance was adopted on December 29, 1986 by the City of Collinsville;

(25) if the ordinance was adopted on September 14, 1994 by the City of Alton;
(26) if the ordinance was adopted on November 11, 1996 by the City of Lexington;
(27) if the ordinance was adopted on November 5, 1984 by the City of LeRoy;
(28) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham;
(29) if the ordinance was adopted on November 11, 1986 by the City of Pekin;
(30) if the ordinance was adopted on December 15, 1981 by the City of Champaign;
(31) if the ordinance was adopted on December 15, 1986 by the City of Urbana;
(32) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth;
(33) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth;
(34) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth;
(35) if the ordinance was adopted on December 23, 1986 by the Town of Cicero;
(36) if the ordinance was adopted on December 30, 1986 by the City of Effingham;
(37) if the ordinance was adopted on May 9, 1991 by the Village of Tilton;
(38) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst;
(39) if the ordinance was adopted on January 19, 1988 by the City of Waukegan;
(40) if the ordinance was adopted on September 21, 1998 by the City of Waukegan;
(41) if the ordinance was adopted on December 31, 1986 by the City of Sullivan;
(42) if the ordinance was adopted on December 23, 1991 by the City of Sullivan;
(43) if the ordinance was adopted on December 31, 1986 by the City of Oglesby;
(44) if the ordinance was adopted on July 28, 1987 by the City of Marion;
(45) if the ordinance was adopted on April 23, 1990 by the City of Marion;
(46) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect;
(47) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull;
(48) if the ordinance was adopted on April 20, 1993 by the Village of Princeville;
(49) if the ordinance was adopted on July 1, 1986 by the City of Granite City;
(50) if the ordinance was adopted on February 2, 1989 by the Village of Lombard;
(51) if the ordinance was adopted on December 29, 1986 by the Village of Gardner;
(52) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw;
(53) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park;
(54) if the ordinance was adopted on November 20, 1989 by the Village of South Holland;
(55) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale;
(56) if the ordinance was adopted on December 29, 1986 by the City of Galesburg;
(57) if the ordinance was adopted on April 1, 1985 by the City of Galesburg;
(58) if the ordinance was adopted on May 21, 1990 by the City of West Chicago;
(59) if the ordinance was adopted on December 16, 1986 by the City of Oak Forest;
(60) if the ordinance was adopted in 1999 by the City of Villa Grove;
(61) if the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion;
(62) if the ordinance was adopted on December 30, 1986 by the Village of Manteno;
(63) if the ordinance was adopted on April 3, 1989 by the City of Chicago Heights;
(64) if the ordinance was adopted on January 6, 1999 by the Village of Rosemont;
(65) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park;
(66) if the ordinance was adopted on December 22, 1986 by the City of DeKalb;
(67) if the ordinance was adopted on December 2, 1986 by the City of Aurora;
(68) if the ordinance was adopted on December 31, 1986 by the Village of Milan;
(69) if the ordinance was adopted on September 8, 1994 by the City of West Frankfort;
(70) if the ordinance was adopted on December 23, 1986 by the Village of Libertyville;
(71) if the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates;
(72) if the ordinance was adopted on September 17, 1986 by the Village of Sherman;
(73) if the ordinance was adopted on December 16, 1986 by the City of Macomb;
(74) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF;
(75) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF;
(76) if the ordinance was adopted on August 7, 2000 by the City of Des Plaines;
(77) if the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2;
(78) if the ordinance was adopted on December 29, 1986 by the City of Morris;

(79) if the ordinance was adopted on July 6, 1998 by the Village of Steeleville;
(80) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF);
(81) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF);
(82) if the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District;
(83) if the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District;
(84) if the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District;
(85) if the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District;
(86) if the ordinance was adopted on December 27, 1986 by the City of Mendota;
(87) if the ordinance was adopted on December 31, 1986 by the Village of Cahokia;
(88) if the ordinance was adopted on September 20, 1999 by the City of Belleville;
(89) if the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1;
(90) if the ordinance was adopted on December 13, 1993 by the Village of Crete;
(91) if the ordinance was adopted on February 12, 2001 by the Village of Crete;
(92) if the ordinance was adopted on April 23, 2001 by the Village of Crete;
(93) if the ordinance was adopted on December 16, 1986 by the City of Champaign;
(94) if the ordinance was adopted on December 20, 1986 by the City of Charleston;
(95) if the ordinance was adopted on June 6, 1989 by the Village of Romeoville;
(96) if the ordinance was adopted on October 14, 1993 and amended on August 2, 2010 by the City of Venice;
(97) if the ordinance was adopted on June 1, 1994 by the City of Markham;
(98) if the ordinance was adopted on May 19, 1998 by the Village of Bensenville;
(99) if the ordinance was adopted on November 12, 1987 by the City of Dixon; ~~or~~
(100) if the ordinance was adopted on December 20, 1988 by the Village of Lansing; ~~.~~
(101) ~~(95)~~ if the ordinance was adopted on October 27, 1998 by the City of Moline ; or ~~.~~
(102) if the ordinance was adopted on March 7, 1990 by the City of Harrisburg.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items

(67), (68), (69), (70), and (71) of subsection (c) of this Section.
(Source: P.A. 96-127, eff. 8-4-09; 96-182, eff. 8-10-09; 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff. 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439, eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09; 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff. 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10; 96-1494, eff. 12-30-10; 96-1514, eff. 2-4-11; 96-1552, eff. 3-10-11; 97-93, eff. 1-1-12; 97-372, eff. 8-15-11; 97-600, eff. 8-26-11; 97-633, eff. 12-16-11; 97-635, eff. 12-16-11; revised 12-29-11.)

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

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

ANNOUNCEMENT ON ATTENDANCE

Senator J. Jones announced for the record that Senator Bivins was absent due to family business.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Silverstein, **House Bill No. 3804** having been printed, was taken up and 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 HOUSE BILL 3804

AMENDMENT NO. 1. Amend House Bill 3804 on page 2, by inserting immediately below line 15 the following:

"(d) The Department of Children and Family Services Guardianship Administrator shall not personally be subject to the reporting requirements in subsection (a), (b), or (c) of this Section."; and

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

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

On motion of Senator Luechtefeld, **House Bill No. 3806** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3819** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McCarter, **House Bill No. 3887** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schmidt, **House Bill No. 3888** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schmidt, **House Bill No. 3892** having been printed, was taken up and read by title a second time.

Senator Schmidt offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 3892

AMENDMENT NO. 1. Amend House Bill 3892 by replacing everything after the enacting clause with the following:

"Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 6 and 8 as follows:

(70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

Sec. 6. Acquisition of property. Any such District shall have power to acquire lands and grounds for

the aforesaid purposes by lease, or in fee simple by gift, grant, legacy, purchase or condemnation, or to acquire easements in land, and to construct, lay out, improve and maintain wells, power plants, comfort stations, shelter houses, paths, driveways, public roads, roadways and other improvements and facilities in and through such forest preserves as they shall deem necessary or desirable for the use of such forest preserves by the public and may acquire, develop, improve and maintain waterways in conjunction with the district. No district with a population less than 600,000 shall have the power to purchase, condemn, lease or acquire an easement in property within a municipality without the concurrence of the governing body of the municipality, except where such district is acquiring land for a linear park or trail not to exceed 100 yards in width or is acquiring land contiguous to an existing park or forest preserve, and no municipality shall annex any land for the purpose of defeating a District acquisition once the District has given notice of intent to acquire a specified parcel of land. No district with a population of less than 500,000 shall (i) have the power to condemn property for a linear park or trail within a municipality without the concurrence of the governing body of the municipality or (ii) have the power to condemn property for a linear park or trail in an unincorporated area without the concurrence of the governing body of the township within which the property is located or (iii) once having commenced a proceeding to acquire land by condemnation, dismiss or abandon that proceeding without the consent of the property owners. No district shall establish a trail surface within 50 feet of an occupied dwelling which was in existence prior to the approval of the acquisition by the district without obtaining permission of the owners of the premises or the concurrence of the governing body of the municipality or township within which the property is located. All acquisitions of land by a district with a population less than 600,000 within 1 1/2 miles of a municipality shall be preceded by a conference with the mayor or president of the municipality or his designated agent. If a forest preserve district is in negotiations for acquisition of land with owners of land adjacent to a municipality, the annexation of that land shall be deferred for 6 months. The district shall have no power to acquire an interest in real estate situated outside the district by the exercise of the right of eminent domain, by purchase or by lease, but shall have the power to acquire any such property, or an easement in any such property, which is contiguous to the district by gift, legacy, grant, or lease by the State of Illinois, subject to approval of the county board of the county, and of any forest preserve district or conservation district, within which the property is located. The district shall have the same control of and power over land, an interest in which it has so acquired, as over forest preserves within the district. If any of the powers to acquire lands and hold or improve the same given to Forest Preserve Districts, by Sections 5 and 6 of this Act should be held invalid, such invalidity shall not invalidate the remainder of this Act or any of the other powers herein given and conferred upon the Forest Preserve Districts. Such Forest Preserve Districts shall also have power to lease not to exceed 40 acres of the lands and grounds acquired by it, for a term of not more than 99 years to veterans' organizations as grounds for convalescing sick and disabled veterans, and as a place upon which to construct rehabilitation quarters, or to a county as grounds for a county nursing home or convalescent home. Any such Forest Preserve District shall also have power to grant licenses, easements and rights-of-way for the construction, operation and maintenance upon, under or across any property of such District of facilities for water, sewage, telephone, telegraph, electric, gas or other public service, subject to such terms and conditions as may be determined by such District.

Any such District may purchase, but not condemn, a parcel of land and sell a portion thereof for not less than fair market value pursuant to resolution of the Board. Such resolution shall be passed by the affirmative vote of at least 2/3 of all members of the board within 30 days after acquisition by the district of such parcel.

The corporate authorities of a forest preserve district that (i) is located in a county that has more than 700,000 inhabitants, (ii) borders a county that has 1,000,000 or more inhabitants, and (iii) also borders another state, by ordinance or resolution, may authorize the sale or public auction of a structure located on land owned by the district if (i) the structure existed on the land prior to the district's acquisition of the land, (ii) two-thirds of the members of the board of commissioners then holding office find that the structure is not necessary or is not useful to or for the best interest of the forest preserve district, (iii) a condition of sale or auction requires the transferee of the structure to remove the structure from district land, and (iv) prior to the sale or auction, the fair market value of the structure is determined by a written MAI-certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser and the appraisal is available for public inspection. The ordinance or resolution shall (i) direct the sale to be conducted by the staff of the district, a listing with local licensed real estate agencies (in which case the terms of the agent's compensation shall be included in the ordinance or resolution), or by public auction, (ii) be published within 7 days after its passage in a newspaper published in the district, and (iii) contain pertinent information concerning the nature of the structure and any terms or conditions of sale or auction. No earlier than 14 days after the publication, the corporate authorities may accept any

offer for the structure determined by them to be in the best interest of the district by a vote of two-thirds of the corporate authorities then holding office.

Whenever the board of any forest preserve district determines that the public interest will be subserved by vacating any street, roadway, or driveway, or part thereof, located within a forest preserve, it may vacate that street, roadway, or driveway, or part thereof, by an ordinance passed by the affirmative vote of at least 3/4 of all the members of the board, except that the affirmative vote of at least 6/7 of all the members of the board is required if the board members are elected under Section 3c of this Act. This vote shall be taken by ayes and nays and entered in the records of the board.

The determination of the board that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of any street, roadway, or driveway, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street, roadway or driveway, or part thereof, constitutes a public use or public interest authorizing the vacation.

Nothing contained in this Section shall be construed to authorize the board of any forest preserve district to vacate any street, roadway, or driveway, or part thereof, that is part of any State or county highway.

When property is damaged by the vacation or closing of any street, roadway, or driveway, or part thereof, damage shall be ascertained and paid as provided by law.

Except in cases where the deed, or other instrument dedicating a street, roadway, or driveway, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, and except where such street, roadway or driveway, or part thereof, is held by the district by lease, or where the district holds an easement in the land included within the street, roadway or driveway, whenever any street, roadway, or driveway, or part thereof is vacated under or by virtue of any ordinance of any forest preserve district, the title to the land in fee simple included within the street, roadway, or driveway, or part thereof, so vacated vests in the forest preserve district.

The board of any forest preserve district is authorized to sell at fair market price, gravel, sand, earth and any other material obtained from the lands and waters owned by the district.

For the purposes of this Section, "acquiring land" includes acquiring a fee simple, lease or easement in land.

(Source: P.A. 93-247, eff. 7-22-03.)

(70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

Sec. 8. Powers and duties of corporate authority and officers; contracts; salaries.

(a) The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint such employees as may be necessary. In counties with population of less than 3,000,000, within 60 days after their selection the commissioners appointed under the provisions of Section 3a of this Act shall organize by selecting from their members a president, secretary, treasurer and such other officers as are deemed necessary who shall hold office for the fiscal year in which elected and until their successors are selected and qualify. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent president and the other officers appointed in the manner as originally prescribed in this Act shall hold such offices until the completion of their respective terms or in the case of the officers other than president until their successors are appointed by said president, but in all cases not to extend beyond January 1, 1980 and until their successors are selected and qualify. Thereafter, the officers shall be selected in the manner as prescribed in this Section except that their first term of office shall not expire until June 30, 1981 and until their successors are selected and qualify.

(b) In any county, city, village, incorporated town or sanitary district where the corporate authorities act as the governing body of a forest preserve district, the person exercising the powers of the president of the board shall have power to appoint a secretary and an assistant secretary and treasurer and an assistant treasurer and such other officers and such employees as may be necessary. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively in case of death of such officers or when such officers are unable to perform the duties of their respective offices. All contracts for supplies, material or work involving an expenditure in excess of $20,000 shall be let to the lowest responsible bidder, after advertising at least once in one or more newspapers of general circulation within the district, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of $20,000 or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract.

All contracts for supplies, material or work shall be signed by the president of the board of commissioners or by any such other officer as the board in its discretion may designate.

(c) The president of any board of commissioners appointed under the provisions of Section 3a of this Act shall receive a salary not to exceed the sum of $2500 per annum and the salary of other members of the board so appointed shall not exceed $1500 per annum. Salaries of the commissioners, officers and employees shall be fixed by ordinance.

(d) Whenever a forest preserve district owns any personal property that, in the opinion of three-fifths of the members of the board of commissioners is no longer necessary, useful to, or for the best interests of the forest preserve district, then three-fifths of the members of the board, at any regular meeting or any special meeting called for that purpose by an ordinance or resolution that includes a general description of the personal property, may authorize the conveyance or sale of that personal property in any manner that they may designate, with or without advertising the sale.

(Source: P.A. 93-897, eff. 1-1-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Martinez, **House Bill No. 3915** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Murphy, **House Bill No. 3923** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 3934** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 3948** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 3950** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3960** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **House Bill No. 3982** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3982

AMENDMENT NO. 1. Amend House Bill 3982 on page 1, line 8, by changing "compile this information" to "make this information available"; and

on page 1, by replacing lines 14 through 22 with the following:

"Sec. 15. Taxi safety reporting. In counties in which vehicle citation records are not readily available to the public, the clerk of the circuit court shall furnish a list of all moving violations involving a taxi or an individual licensed or registered as a taxi driver upon the request of a unit of government that licenses, registers, or otherwise regulates taxi drivers."; and

on page 2, by deleting lines 1 through 10.

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

On motion of Senator Holmes, **House Bill No. 3986** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4013** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 4028** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4028

AMENDMENT NO. 1. Amend House Bill 4028 on page 47, line 11, after "Health", by inserting "and the Department of Children and Family Services"; and

on page 47, line 14, by replacing "chairperson" with "co-chairperson"; and

on page 47, line 17, after "designee" by inserting ", who shall serve as the co-chairperson of the Council"; and

on page 48, line 1, by replacing "Illinois" with "America"; and

on page 48, line 19, by deleting "and"; and

on page 48, by replacing lines 20 through 24 with the following:

"(7) an attorney from the Department of Children and Family Services, who shall serve as an ex-officio, non-voting advisor to the Council; and

(8) the person directly responsible for administering the confidential intermediary program, who shall serve as an ex-officio, non-voting advisor to the Council."; and

on page 49, line 1, after "Health" by inserting "or the Director of the Department of Children and Family Services"; and

on page 49, line 3, by replacing "Director" with "Directors"; and

on page 49, by replacing lines 10 through 13 with the following:

"Public Health or the Director of the Department of Children and Family Services deems necessary. The Council shall have only an advisory role to the Directors and may make recommendations to the pertinent Department regarding the development of rules, procedures, and forms that will promote the efficient and effective operation of (i) the Illinois Adoption Registry, (ii) the Office of Vital Records as it pertains to the Registry and to access to the non-certified copy of the original birth certificate, and (iii) the Confidential Intermediary Program in Illinois. The Council will also serve in an advisory capacity regarding the"; and

on page 49, line 21, by replacing "ensure" with "promote"; and

on page 50, line 16, after "recommendations" by inserting "to the Director of the Department of Children and Family Services"; and

on page 50, by replacing lines 18 through 21 with the following:

"(6) making recommendations to the Director of the Department of Children and Family Services concerning oversight methods used to verify that"; and

on page 50, line 23, by replacing "(8)" with "(7)"; and

on page 51, line 1, by replacing "(9)" with "(8)"; and

on page 51, line 3, after "recommendations" by inserting "to the Director of the Department of Children

and Family Services"; and

on page 51, line 5, by replacing "(10)" with "(9)"; and

on page 51, line 8, after "recommended" by inserting "to the Director of the Department of Children and Family Services"; and

on page 51, line 9, by replacing "(11)" with "(10)".

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

On motion of Senator Mulroe, **House Bill No. 4029** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4029

AMENDMENT NO. 1. Amend House Bill 4029 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.21 as follows:

(105 ILCS 5/10-20.21)

Sec. 10-20.21. Contracts.

(a) To award all contracts for purchase of supplies and ~~,~~ materials or work ~~or contracts with private carriers for transportation of pupils~~ involving an expenditure in excess of $25,000 or a lower amount as required by board policy to the lowest responsible bidder, considering conformity with specifications, terms of delivery, quality and serviceability, after due advertisement, except the following: (i) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part; (ii) contracts for the printing of finance committee reports and departmental reports; (iii) contracts for the printing or engraving of bonds, tax warrants and other evidences of indebtedness; (iv) contracts for the purchase of perishable foods and perishable beverages; (v) contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price; (vi) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent; (vii) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services; (viii) contracts for duplicating machines and supplies; (ix) contracts for the purchase of natural gas when the cost is less than that offered by a public utility; (x) purchases of equipment previously owned by some entity other than the district itself; (xi) contracts for repair, maintenance, remodeling, renovation, or construction, or a single project involving an expenditure not to exceed $50,000 and not involving a change or increase in the size, type, or extent of an existing facility; (xii) contracts for goods or services procured from another governmental agency; (xiii) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets and reports, and for utility services such as water, light, heat, telephone or telegraph; (xiv) where funds are expended in an emergency and such emergency expenditure is approved by 3/4 of the members of the board; (xv) State master contracts authorized under Article 28A of this Code; and (xvi) contracts providing for the transportation of pupils ~~with special needs or disabilities~~, which contracts must be advertised in the same manner as competitive bids and awarded by first considering the bidder or bidders most able to provide safety and comfort for the pupils ~~with special needs or disabilities~~, stability of service, and any other factors set forth in the request for proposal regarding quality of service, and then price. However, at no time shall a cause of action lie against a school board for awarding a pupil transportation contract per the standards set forth in this subsection (a) unless the cause of action is based on fraudulent conduct.

All competitive bids for contracts involving an expenditure in excess of $25,000 or a lower amount as required by board policy must be sealed by the bidder and must be opened by a member or employee of the school board at a public bid opening at which the contents of the bids must be announced. Each

bidder must receive at least 3 days' notice of the time and place of the bid opening. For purposes of this Section due advertisement includes, but is not limited to, at least one public notice at least 10 days before the bid date in a newspaper published in the district, or if no newspaper is published in the district, in a newspaper of general circulation in the area of the district. State master contracts and certified education purchasing contracts, as defined in Article 28A of this Code, are not subject to the requirements of this paragraph.

Under this Section, the acceptance of bids sealed by a bidder and the opening of these bids at a public bid opening may be permitted by an electronic process for communicating, accepting, and opening competitive bids. However, bids for construction purposes are prohibited from being communicated, accepted, or opened electronically. An electronic bidding process must provide for, but is not limited to, the following safeguards:

(1) On the date and time certain of a bid opening, the primary person conducting the competitive, sealed, electronic bid process shall log onto a specified database using a unique username and password previously assigned to the bidder to allow access to the bidder's specific bid project number.

(2) The specified electronic database must be on a network that (i) is in a secure environment behind a firewall; (ii) has specific encryption tools; (iii) maintains specific intrusion detection systems; (iv) has redundant systems architecture with data storage back-up, whether by compact disc or tape; and (v) maintains a disaster recovery plan.

It is the legislative intent of Public Act 96-841 to maintain the integrity of the sealed bidding process provided for in this Section, to further limit any possibility of bid-rigging, to reduce administrative costs to school districts, and to effect efficiencies in communications with bidders.

(b) To require, as a condition of any contract for goods and services, that persons bidding for and awarded a contract and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

To require that bids and contracts include a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the school board may declare the contract void if the certification completed pursuant to this subsection (b) is false.

(b-5) To require all contracts and agreements that pertain to goods and services and that are intended to generate additional revenue and other remunerations for the school district in excess of $1,000, including without limitation vending machine contracts, sports and other attire, class rings, and photographic services, to be approved by the school board. The school board shall file as an attachment to its annual budget a report, in a form as determined by the State Board of Education, indicating for the prior year the name of the vendor, the product or service provided, and the actual net revenue and non-monetary remuneration from each of the contracts or agreements. In addition, the report shall indicate for what purpose the revenue was used and how and to whom the non-monetary remuneration was distributed.

(c) If the State education purchasing entity creates a master contract as defined in Article 28A of this Code, then the State education purchasing entity shall notify school districts of the existence of the master contract.

(d) In purchasing supplies, materials, equipment, or services that are not subject to subsection (c) of this Section, before a school district solicits bids or awards a contract, the district may review and consider as a bid under subsection (a) of this Section certified education purchasing contracts that are already available through the State education purchasing entity.

(Source: P.A. 95-990, eff. 10-3-08; 96-392, eff. 1-1-10; 96-841, eff. 12-23-09; 96-1000, eff. 7-2-10.)

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

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

On motion of Senator C. Johnson, **House Bill No. 4037** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 4043** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4050** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 4063** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4116** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4119** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4139** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schmidt, **House Bill No. 4145** having been printed, was taken up and 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 HOUSE BILL 4145

AMENDMENT NO. 1. Amend House Bill 4145 as follows:

on page 2, line 13, after "thereof.", by inserting "The ordinance shall include a requirement that notice must be sent by certified mail to either the real property owner of record or the vehicle owner at least 10 days prior to removal.".

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

On motion of Senator Mulroe, **House Bill No. 4190** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4190

AMENDMENT NO. 1. Amend House Bill 4190 on page 12, immediately below line 8, by inserting the following:

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

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

On motion of Senator Trotter, **House Bill No. 4314** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4440** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 4468** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 4496** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4510** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4510

AMENDMENT NO. 1. Amend House Bill 4510, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 2 by replacing line 20 with "changing Sections 405-120, 405-121, and 405-125 as follows:"; and

on page 3, line 6, immediately after "subjects", by inserting ", including the Asian-American Employment Plan Advisory Council"; and

on page 3, immediately below line 10, by inserting the following:

"(20 ILCS 405/405-121 new)

Sec. 405-121. Asian-American Employment Plan Advisory Council. The Asian-American Employment Plan Advisory Council is hereby created to examine:

(1) the prevalence and impact of Asian Americans employed by State government;

(2) the barriers faced by Asian Americans who seek employment or promotional opportunities in State government; and

(3) possible incentives that could be offered to foster the employment of and the promotion of Asian Americans in State government.

The Council shall meet quarterly to provide consultation to State agencies and the Department.

All members of the Asian-American Employment Plan Advisory Council shall serve without compensation, but shall be reimbursed for their reasonable and necessary expenses from funds available for that purpose.

The Asian American Employment Plan Advisory Council shall consist of 11 members, each of whom shall be an Asian-American subject matter expert, appointed by the Governor.".

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

On motion of Senator Holmes, **House Bill No. 4566** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4577** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4586** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4596** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4596

AMENDMENT NO. 1. Amend House Bill 4596 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the

remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law.

(b) Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order.

(b-5) Files, documents, and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the physical or mental status of one or more individual subjects.

(c) Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

(d) Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;

(ii) interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;

(iii) create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies of local government, except when disclosure would interfere with an active criminal investigation conducted by the agency that is the recipient of the request;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the agency or public body that is the recipient of the request;

(vi) endanger the life or physical safety of law enforcement personnel or any other person; or

(vii) obstruct an ongoing criminal investigation by the agency that is the recipient of the request.

(d-5) A law enforcement record created for law enforcement purposes and contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

The information included under this exemption includes all trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a

result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) The following information pertaining to educational matters:

(i) test questions, scoring keys and other examination data used to administer an academic examination;

(ii) information received by a primary or secondary school, college, or university under its procedures for the evaluation of faculty members by their academic peers;

(iii) information concerning a school or university's adjudication of student disciplinary cases, but only to the extent that disclosure would unavoidably reveal the identity of the student; and

(iv) course materials or research materials used by faculty members.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings, but only to the extent that disclosure would compromise security.

(l) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(m) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(n) Records relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed.

(o) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(p) Records relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(q) Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment.

(r) The records, documents, and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a

parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(s) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool. Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(t) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(u) Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(v) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(w) (Blank).

(x) Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility, by a power generator, or by the Illinois Power Agency.

(y) Information contained in or related to proposals, bids, or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission.

(z) Information about students exempted from disclosure under Sections 10-20.38 or 34-18.29 of the School Code, and information about undergraduate students enrolled at an institution of higher education exempted from disclosure under Section 25 of the Illinois Credit Card Marketing Act of 2009.

(aa) Information the disclosure of which is exempted under the Viatical Settlements Act of 2009.

(bb) Records and information provided to a mortality review team and records maintained by a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(cc) Information regarding interments, entombments, or inurnments of human remains that are submitted to the Cemetery Oversight Database under the Cemetery Care Act or the Cemetery Oversight Act, whichever is applicable.

(dd) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(ee) ~~(dd)~~ The names, addresses, or other personal information of persons who are minors and are also participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations.

(ff) ~~(ee)~~ The names, addresses, or other personal information of participants and registrants in programs of park districts, forest preserve districts, conservation districts, recreation agencies, and special recreation associations where such programs are targeted primarily to minors.

(2) A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act.

(3) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09; 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736,

eff. 7-1-10; 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff. 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; revised 9-2-11.)

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

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

On motion of Senator Koehler, **House Bill No. 4598** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4598

AMENDMENT NO. 1. Amend House Bill 4598 on page 3, line 10, after "Section", by inserting "or a vehicle required to display a slow-moving vehicle emblem under subsection (e) of Section 11-1426.1 of this Code".

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

On motion of Senator Holmes, **House Bill No. 4601** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 4602** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 4606** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4615** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4622** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Collins, **House Bill No. 4665** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4682** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4687** having been printed, was taken up and read by title a second time.

Senate Committee Amendment Nos. 1 and 2 were postponed in the Committee on Judiciary.

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

AMENDMENT NO. 3 TO HOUSE BILL 4687

AMENDMENT NO. 3. Amend House Bill 4687 on page 3, by replacing lines 16 though 19 with the following:

"(c) Any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. The public body conducting a public".

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

On motion of Senator Pankau, **House Bill No. 4689** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4691** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **House Bill No. 4692** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4707** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandack, **House Bill No. 4748** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 4753** having been printed, was taken up and 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 HOUSE BILL 4753

AMENDMENT NO. 1. Amend House Bill 4753 on page 1, by replacing lines 18 and 19 with the following:

"renewable fuels, ~~or~~ hydroelectric energy , or landfill gas.".

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

Senate Floor Amendment No. 3 was postponed in the Committee on Local Government.

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

On motion of Senator Harmon, **House Bill No. 4761** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4761

AMENDMENT NO. 1. Amend House Bill 4761 as follows:

on page 6, by replacing lines 22 through 26 with the following:

"(f) Any person or entity retained by a municipality or county, or jointly by more than one such unit of local government, to provide input, guidance, or advice in the selection of an electricity supplier for an aggregation program shall disclose in writing to the involved units of local government the nature of any relationship through which the person or entity may receive, either directly or indirectly, commissions or other remuneration as a result of the selection of any particular electricity supplier. The written disclosure must be made prior to formal approval by the involved units of local government of any professional services agreement with the person or entity, or no later than October 1, 2012 with respect to any such professional services agreement entered into prior to the effective date of this amendatory Act of the 97th General Assembly. The disclosure shall cover all direct and indirect relationships through which commissions or remuneration may result, including the pooling of commissions or remuneration among multiple persons or entities, and shall identify all involved electricity suppliers. The disclosure requirements in this subsection (f) are to be liberally construed to ensure that the nature of financial interests are fully revealed, and these disclosure requirements shall apply regardless of whether the involved person or entity is licensed under Section 16-115C of the Public Utilities Act. Any person or entity that fails to make the disclosure required under this subsection (f) is liable to the involved units of local government in an amount equal to all compensation paid to such person or entity by the units of local government for the input, guidance, or advice in the selection of an electricity supplier, plus reasonable attorneys fees and court costs incurred by the units of local government in connection with obtaining such amount.".

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

On motion of Senator Maloney, **House Bill No. 4757** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4757

AMENDMENT NO. 1. Amend House Bill 4757 as follows:
on page 1, line 13, by replacing "Office," with "Office"; and

by replacing lines 14 through 20 with the following:
"1, 2013. The compliance plan must be submitted no later than November 1, 2012 and must include all of the following:

(1) Fire sprinkler system working drawings and hydraulic calculations.

(2) A water supply analysis to determine available water and the need for a fire pump.

(3) A fire sprinkler system installation schedule showing a minimum of the following:

(A) the drawing and calculation submittal date to the authority having jurisdiction and the projected duration;

(B) the fabrication and material procurement date and the projected duration;

(C) the field installation start date and the projected duration;

(D) the final testing and punch list date and the projected duration; and

(E) the projected project completion date.

If the compliance plan is approved by the Office of the State Fire Marshal, then the deadline for fire sprinklers to be installed and operational shall be extended to September 1, 2014. A"; and

on page 1, line 22, after "This", by inserting "fire sprinkler system".

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

On motion of Senator Haine, **House Bill No. 4901** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 4966** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 4968** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 4983** having been printed, was taken up and 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 HOUSE BILL 4983

AMENDMENT NO. 1. Amend House Bill 4983 as follows:

on page 2, by replacing lines 12 through 21 with the following:

"Notwithstanding any provision to the contrary, all persons who either (i) have been honorably discharged and who have been awarded a Southwest Asia Service Medal, Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal by the United States Armed Forces or (ii) are active members of the Illinois National Guard or a reserve component of the United States Armed Forces and who have been awarded a Southwest Asia Service Medal, Kosovo Campaign Medal, Korean Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, or Global War on Terrorism Expeditionary Medal as a result of honorable service during deployment on active duty, are deemed to have met the collegiate educational requirements for a sworn law enforcement position or position that has arrest authority.".

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

On motion of Senator Garrett, **House Bill No. 4986** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4986

AMENDMENT NO. 1. Amend House Bill 4986 on page 4, by replacing lines 8 through 10 with the following "Task Force.".

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

On motion of Senator Maloney, **House Bill No. 4988** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 4663** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 4993** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 5006** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5007** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 5009** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 5013** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 5016** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5016

AMENDMENT NO. 1. Amend House Bill 5016 on page 2, line 10, immediately before "debt", by inserting "consumer".

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

On motion of Senator Muñoz, **House Bill No. 5021** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5021

AMENDMENT NO. 1. Amend House Bill 5021 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-501.01 as follows:

(625 ILCS 5/11-501.01)

Sec. 11-501.01. Additional administrative sanctions.

(a) After a finding of guilt and prior to any final sentencing or an order for supervision, for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(b) Any person who is found guilty of or pleads guilty to violating Section 11-501, including any person receiving a disposition of court supervision for violating that Section, may be required by the

Court to attend a victim impact panel offered by, or under contract with, a county State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(c) Every person found guilty of violating Section 11-501, whose operation of a motor vehicle while in violation of that Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection (i) of this Section.

(d) The Secretary of State shall revoke the driving privileges of any person convicted under Section 11-501 or a similar provision of a local ordinance.

(e) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by a person who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees.

(f) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating Section 11-501, including any person placed on court supervision for violating Section 11-501, shall be assessed $750, payable to the circuit clerk, who shall distribute the money as follows: $350 to the law enforcement agency that made the arrest, and $400 shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating Section 11-501 or a similar provision of a local ordinance, the fine shall be $1,000, and the circuit clerk shall distribute $200 to the law enforcement agency that made the arrest and $800 to the State Treasurer for deposit into the General Revenue Fund. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (f) shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations. ~~to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in car video cameras, radar and laser speed detection devices, and alcohol breath testers.~~ Any moneys received by the Department of State Police under this subsection (f) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (f) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including but not limited to the ~~to~~ purchase of law enforcement equipment and commodities to assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

(h) Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. If the individual is not a resident of Illinois, however, the court may accept an alcohol or other drug evaluation or remedial education program in the individual's state of residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

(i) In addition to any other fine or penalty required by law, an individual convicted of a violation of

Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of Section 11-501, Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed $1,000 per public agency for each emergency response. As used in this subsection (i), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.
(Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09; 96-1342, eff. 1-1-11.)".

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

On motion of Senator Haine, **House Bill No. 5023** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 5025** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Commerce, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5025

AMENDMENT NO. 1. Amend House Bill 5025 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 8-209 as follows:
(220 ILCS 5/8-209 new)
Sec. 8-209. Utility credit reporting. If a public utility reports a customer to a credit reporting agency for non-payment of an outstanding utility bill, then a public utility shall notify the credit reporting agency within 5 business days of any mutual agreement to make full payment or full payments made with certified funds or cash. For the purposes of this amendatory Act of the 97th General Assembly, certified funds means instruments that are guaranteed by the issuing institution or have cleared the issuing institution.".

AMENDMENT NO. 2 TO HOUSE BILL 5025

AMENDMENT NO. 2. Amend House Bill 5025, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, by replacing line 11 with "any full payment made".

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

On motion of Senator Haine, **House Bill No. 5047** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 5056** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 5109** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5121** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5187** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 5189** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5190** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5195** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **House Bill No. 5207** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 5211** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5211

AMENDMENT NO. 1. Amend House Bill 5211 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2HHH as follows:

(815 ILCS 505/2HHH)

Sec. 2HHH. Product ~~Authorization and verification for product~~ and service charges ~~to be~~ billed on a telephone bill prohibited.

(a) Definitions. For purposes of this Section:

"Billing agent" means a person that submits charges for services or goods to a telecommunications carrier on behalf of a third-party vendor.

"Third-party vendor" means an entity not affiliated with a telecommunications carrier that sells services or goods to a consumer.

"Telecommunications carrier" has the same meaning as defined in Section 13-202 of the Public Utilities Act.

(b) A third-party vendor shall not bill, directly or through an intermediary, a consumer for goods or services that will appear as a charge on a consumer's telephone bill.

(c) A billing agent, on behalf of a third-party vendor, shall not submit, directly or through an intermediary, a charge to a telecommunications carrier for goods or services that will appear as a charge on a consumer's telephone bill.

(d) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

(e) This Section does not apply to:

(1) services or goods provided by a telecommunications carrier subject to the provisions of Section 13-903 of the Public Utilities Act;

(2) services or goods sold by any affiliate of the telecommunications carrier issuing the bill to the consumer;

(3) services or goods sold by any third-party vendor that has a direct contractual arrangement for the joint or cooperative sale of such services or goods with the telecommunications carrier issuing the bill to the consumer; provided however, that the telecommunications carrier issuing the bill to the consumer shall be responsible for assuring that such services or goods are not sold without the informed authorization of the consumer;

(4) wireless services, as described in Section 13-804 of the Public Utilities Act and any other services or goods billed by or through a provider of wireless services;

(5) message telecommunications services that are initiated by dialing 1+, 0+, 0-, or 1010XXX and calls that are subject to the Pay-Per-Call Services Consumer Protection Act; or

(6) contributions to any charitable organization subject to Section 501(c)(3) of the Internal Revenue Code.

~~"Billing agent" means any entity that submits charges to the billing carrier on behalf of itself or any service provider.~~

~~"Billing carrier" means any telecommunications carrier, as defined in Section 13-202 of the Public Utilities Act, that issues a bill directly to a customer for any product or service not provided by a telecommunications carrier.~~

~~"Service provider" means any entity that offers a product or service to a consumer and that directly or indirectly charges to or collects from a consumer's bill received from a billing carrier an amount for the product or service.~~

~~(b) This Section does not apply to the provision of services and products by a telecommunications carrier subject to the provisions of Section 13-903 of the Public Utilities Act, by a telecommunications carrier's affiliates, or an affiliated cable or video provider, as that term is defined in Section 22-501 of the Public Utilities Act, or by a provider of public mobile services, as defined in Section 13-214 of the Public Utilities Act.~~

~~(c) Requirements for submitting charges.~~

~~(1) A service provider or billing agent may submit charges for a product or service to be billed on a consumer's telephone bill on or after the effective date of this amendatory Act of the 96th General Assembly only if:~~

~~(A) the service provider offering the product or service has clearly and conspicuously disclosed all material terms and conditions of the product or service being offered, including, but not limited to, all charges; and the fact that the charges for the product or service shall appear on the consumer's telephone bill;~~

~~(B) after the clear and conspicuous disclosure of all material terms and conditions as described in paragraph (A) of this item (1), the consumer has expressly consented to obtain the product or service offered and to have the charges appear on the consumer's telephone bill and the consent has been verified as provided in item (2) of this subsection (c);~~

~~(C) the service provider offering the product or service or any billing agent for the service provider has provided the consumer with a toll free telephone number the consumer may call and an address to which the consumer may write to resolve any billing dispute and to answer questions; and~~

~~(D) the service provider offering the product or service or the billing agent has taken effective steps to determine that the consumer who purportedly consented to obtain the product or service offered is authorized to incur charges for the telephone number to be billed.~~

~~(2) The consumer consent required by item (1) of this subsection (c) must be verified by the service provider offering the product or service before any charges are submitted for billing on a consumer's telephone bill. A record of the consumer consent and verification must be maintained by the service provider offering the product or service for a period of at least 24 months immediately after the consent and verification have been obtained. The method of obtaining consumer consent and verification must include one or more of the following:~~

~~(A) A writing signed and dated by the consumer to be billed that clearly and conspicuously discloses the material terms and conditions of the product or service being offered in accordance with paragraph (A) of item (1) of this subsection (c) and clearly and conspicuously states that the consumer expressly consents to be billed in accordance with paragraph (B) of item (1) of this subsection (c) as follows:~~

~~(i) if the writing is in electronic form, then it shall contain the consumer disclosures required by Section 101(c) of the federal Electronic Signatures in Global and National Commerce Act; and~~

~~(ii) the writing shall be a separate document or easily separable document or located on a separate screen or webpage containing only the disclosures and consent described in item (1) of this subsection (c).~~

~~(B) Third party verification by an independent third party that:~~

~~(i) clearly and conspicuously discloses to the consumer to be billed all of the information required by paragraph (A) of item (1) of this subsection (c);~~

~~(ii) operates from a facility physically separate from that of the service provider offering the product or service;~~

~~(iii) is not directly or indirectly managed, controlled, directed, or owned wholly or in part by the service provider offering the product or service;~~

~~(iv) does not derive commissions or compensation based upon the number of sales confirmed;~~

~~(v) tape records the entire verification process, with prior consent of the consumer to be billed; and~~

~~(vi) obtains confirmation from the consumer to be billed that he or she authorized the purchase of the offered good or service.~~

~~(C) All verifications must be conducted in the same language that was used in the underlying sales transaction.~~

~~(3) Unless verification is required by federal law or rules implementing federal law, item (2) of this subsection (c) does not apply to customer initiated transactions with a certificated telecommunications carrier for which the service provider has the appropriate documentation.~~

~~(4) This Section does not apply to message telecommunications service charges that are initiated by dialing 1+, 0+, 0 , 1010XXX, or collect calls and charges for video services if the service provider has the necessary records to establish the billing for the call or service.~~

~~(d) Records of disputed charges.~~

~~(1) Every service provider or billing agent shall maintain records of every disputed charge for a product or service placed on a consumer's bill.~~

~~(2) The record required under this subsection (d) shall contain for every disputed charge all of the following:~~

~~(A) any affected telephone numbers and, if available, addresses;~~

~~(B) the date the consumer requested that the disputed charge be removed from the consumer's bill;~~

~~(C) the date the disputed charge was removed from the consumer's telephone bill; and~~

~~(D) the date action was taken to refund or credit to the consumer any money that the consumer paid for the disputed charges.~~

~~(3) The record required by this subsection (d) shall be maintained for at least 24 months.~~

~~(e) Billing agents shall take reasonable steps designed to ensure that service providers on whose behalf they submit charges to a billing carrier comply with the requirements of this Section.~~

~~(f) Any service provider or billing agent who violates this Section commits an unlawful practice within the meaning of this Act.~~

(Source: P.A. 96-827, eff. 11-30-09.)

Section 99. Effective date. This Act takes effect January 1, 2013.".

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

On motion of Senator Silverstein, **House Bill No. 5221** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5233** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was postponed in the Committee on Criminal Law.

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

AMENDMENT NO. 2 TO HOUSE BILL 5233

AMENDMENT NO. 2. Amend House Bill 5233 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Food, Drug and Cosmetic Act is amended by changing Sections 2.4, 3.22, 5, and 6 as follows:

(410 ILCS 620/2.4) (from Ch. 56 1/2, par. 502.4)

Sec. 2.4. (a) "Drug" means (1) articles recognized in the official United States Pharmacopoeia - National Formulary, official Homeopathic Pharmacopoeia of the United States, United States Dispensatory, or Remington's Practice of Pharmacy, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2) or (3); but does not include devices or their components, parts or accessories.

(b) "Synthetic drug product" means any product that contains a substance defined as a controlled substance under subsections (d) and (e) of Section 204 of the Illinois Controlled Substances Act. Products approved by the U.S. Food and Drug Administration for human consumption are not synthetic drug products.

(Source: P.A. 84-891.)

(410 ILCS 620/3.22) (from Ch. 56 1/2, par. 503.22)

Sec. 3.22. (a) Whoever knowingly distributes, or possesses with intent to distribute, human growth hormone for any use in humans other than the treatment of a disease or other recognized medical condition, where the use has been authorized by the Secretary of Health and Human Services and under the order of a physician, is guilty of a Class 3 felony, and may be fined an amount not to exceed $50,000. As used in this Section, the term "human growth hormone" means somatrem, somatropin, or an

analogue of either of them.

(b) Whoever distributes, or possesses with intent to distribute, a synthetic drug product or a drug that is misbranded under this Act is guilty of a Class 2 felony and may be fined an amount not to exceed $100,000. A person convicted of a second or subsequent violation of this Section is guilty of a Class 1 felony, the fine for which shall not exceed $250,000.

(c) Whoever falsely advertises a synthetic drug product is guilty of a Class 3 felony and may be fined an amount not to exceed $100,000.

(d) Whoever commits any offense set forth in this Section and the offense involves an individual under 18 years of age is punishable by not more than 10 years imprisonment, and twice the fine authorized above. Any conviction for a violation of this Section shall be considered a violation of the Illinois Controlled Substances Act for the purposes of forfeiture under Section 505 of such Act. ~~As used in this Section the term "human growth hormone" means somatrem, somatropin, or an analogue of either of them. The Department of State Police and Department of Professional Regulation are authorized to investigate offenses punishable by this Section.~~

(e) Any person convicted under this Section is subject to the forfeiture provisions set forth in subsections (c), (d), (e), (f), (g), (h), and (i) of Section 3.23 of this Act.

(Source: P.A. 87-754.)

(410 ILCS 620/5) (from Ch. 56 1/2, par. 505)

Sec. 5. (a) A person who violates any of the provisions of this Act, other than Sections 3.22 and 6, is guilty of a Class C misdemeanor; but if the violation is committed after a conviction of such person under this Section has become final, the person shall be guilty of a Class A misdemeanor. A person who violates the provisions of Section 6 of this Act is guilty of a Class A misdemeanor; but if the violation is committed after a conviction of such person under this Section has become final, the person shall be guilty of a Class 4 felony.

(b) No person is subject to the penalties of subsection (a) of this Section for (1) violating Section 3.1 or 3.3 if he establishes a guaranty or undertaking signed by and containing the name and address of the person residing in the State of Illinois from whom he received the article in good faith, to the effect that the article is not adulterated ~~or misbranded~~ within the meaning of this Act, designating this Act; or (2) for having violated clause (2) of Section 3.16 if such person acted in good faith and had no reason to believe that the use of the punch, die, plate, stone or other thing involved would result in a drug being a counterfeit drug, or for having violated clause (3) of Section 3.16 if the person doing the act or causing it to be done acted in good faith and had no reason to believe that the drug was a counterfeit drug.

(c) No publisher, radio-broadcast licensee, agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor or seller of the article to which a false advertisement relates is liable under this Section for the dissemination of such false advertisement unless he has refused on the request of the Director to furnish the Director the name and post office address of the manufacturer, packer, distributor, seller or advertising agency residing in the State of Illinois who causes him to disseminate such advertisement.

(d) No person shall be subject to the penalties of subsection (a) of this Section for a violation of Section 3 involving misbranded food if the violation exists solely because the food is misbranded under subsection (c) of Section 11 because of its advertising, and no person shall be subject to the penalties of subsection (a) of this Section for such a violation unless the violation is committed with the intent to defraud or mislead.

(Source: P.A. 86-704; 87-754.)

(410 ILCS 620/6) (from Ch. 56 1/2, par. 506)

Sec. 6. (a) When an authorized agent of the Director finds or has probable cause to believe that any food, drug, device or cosmetic is adulterated or so misbranded as to be dangerous or fraudulent within the meaning of this Act, ~~or~~ is in violation of Section 12, 17 or 17.1 of this Act, or is suspected to be a synthetic drug product, he or she shall affix to such article a tag or other appropriate marking giving notice that the article is or is suspected of being adulterated or misbranded and has been detained or embargoed and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It is unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

(b) When an article detained or embargoed under subsection (a) of this Section is found by such agent to be adulterated or misbranded or to be in violation of Section 12, 17 or 17.1 of this Act or is suspected to be a synthetic drug product, he or she shall petition the circuit court in whose jurisdiction the article is detained or embargoed for a libel for condemnation of such article. When such agent finds that an article so detained or embargoed is not adulterated or misbranded or is not a synthetic drug product, he or she shall remove the tag or other marking.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the judgment, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his or her agent. However, when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the judgment and after such costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the Director. The expense of such supervision shall be paid by the claimant. The article shall be returned to the claimant and the bond shall be discharged on the representation to the court by the Director that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid.

(d) Whenever the Director or any of his or her authorized agents finds in any room, building, vehicle of transportation or other structure, any meat, sea food, poultry, vegetable, fruit or other perishable articles which contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Director or his or her authorized agent shall condemn or destroy the same, or in any other manner render the same unusable as human food.

(Source: P.A. 85-564.)

Section 10. The Illinois Controlled Substances Act is amended by changing Section 204 as follows:

(720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

Sec. 204. (a) The controlled substances listed in this Section are included in Schedule I.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(1.1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Allylprodine;

(3) Alphacetylmethadol, except levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(4) Alphameprodine;

(5) Alphamethadol;

(6) Alpha-methylfentanyl (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;

(6.1) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

(7.1) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(8) Benzethidine;

(9) Betacetylmethadol;

(9.1) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

(10) Betameprodine;

(11) Betamethadol;

(12) Betaprodine;

(13) Clonitazene;

(14) Dextromoramide;

(15) Diampromide;

(16) Diethylthiambutene;

(17) Difenoxin;

(18) Dimenoxadol;
(19) Dimepheptanol;
(20) Dimethylthiambutene;
(21) Dioxaphetylbutyrate;
(22) Dipipanone;
(23) Ethylmethylthiambutene;
(24) Etonitazene;
(25) Etoxeridine;
(26) Furethidine;
(27) Hydroxpethidine;
(28) Ketobemidone;
(29) Levomoramide;
(30) Levophenacylmorphan;
(31) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
(31.1) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
(32) Morpheridine;
(33) Noracymethadol;
(34) Norlevorphanol;
(35) Normethadone;
(36) Norpipanone;
(36.1) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);
(37) Phenadoxone;
(38) Phenampromide;
(39) Phenomorphan;
(40) Phenoperidine;
(41) Piritramide;
(42) Proheptazine;
(43) Properidine;
(44) Propiram;
(45) Racemoramide;
(45.1) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
(46) Tilidine;
(47) Trimeperidine;
(48) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).

(c) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Diacetyldihydromorphine (Dihydroheroin);
(9) Dihydromorphine;
(10) Drotebanol;
(11) Etorphine (except hydrochloride salt);
(12) Heroin;

(13) Hydromorphinol;
(14) Methyldesorphine;
(15) Methyldihydromorphine;
(16) Morphine methylbromide;
(17) Morphine methylsulfonate;
(18) Morphine-N-Oxide;
(19) Myrophine;
(20) Nicocodeine;
(21) Nicomorphine;
(22) Normorphine;
(23) Pholcodine;
(24) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 3,4-methylenedioxyamphetamine
(alpha-methyl,3,4-methylenedioxyphenethylamine,
methylenedioxyamphetamine, MDA);
(1.1) Alpha-ethyltryptamine
(some trade or other names: etryptamine;
MONASE; alpha-ethyl-1H-indole-3-ethanamine;
3-(2-aminobutyl)indole; a-ET; and AET);
(2) 3,4-methylenedioxymethamphetamine (MDMA);
(2.1) 3,4-methylenedioxy-N-ethylamphetamine
(also known as: N-ethyl-alpha-methyl-
3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,
and MDEA);
(2.2) N-Benzylpiperazine (BZP);
(3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
(4) 3,4,5-trimethoxyamphetamine (TMA);
(5) (Blank);
(6) Diethyltryptamine (DET);
(7) Dimethyltryptamine (DMT);
(7.1) 5-Methoxy-diallyltryptamine;
(8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
(9) Ibogaine (some trade and other names:
7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
indole; Tabernanthe iboga);
(10) Lysergic acid diethylamide;
(10.1) Salvinorin A;
(10.5) Salvia divinorum (meaning all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts);
(11) 3,4,5-trimethoxyphenethylamine (Mescaline);
(12) Peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds or extracts);
(13) N-ethyl-3-piperidyl benzilate (JB 318);
(14) N-methyl-3-piperidyl benzilate;
(14.1) N-hydroxy-3,4-methylenedioxyamphetamine
(also known as N-hydroxy-alpha-methyl-
3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
(15) Parahexyl; some trade or other names:

3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo (b,d) pyran; Synhexyl;

(16) Psilocybin;

(17) Psilocyn;

(18) Alpha-methyltryptamine (AMT);

(19) 2,5-dimethoxyamphetamine (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

(20) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

(20.1) 4-Bromo-2,5 dimethoxyphenethylamine. Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB, 2CB, Nexus;

(21) 4-methoxyamphetamine (4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);

(22) (Blank);

(23) Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(24) Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy, PHP;

(25) 5-methoxy-3,4-methylenedioxy-amphetamine;

(26) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);

(27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (another name: TCPy);

(28) (Blank);

(29) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);

(30) Bufotenine (some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; 5-hydroxy-N,N-dimethyltryptamine; N,N-dimethylserotonin; mappine);

(31) 1-Pentyl-3-(1-naphthoyl)indole Some trade or other names: JWH-018;

(32) 1-Butyl-3-(1-naphthoyl)indole Some trade or other names: JWH-073;

(33) 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone Some trade or other names: AM-694;

(34) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol Some trade or other names: CP 47,497 ~~47, 497~~ and its C6, C8 and C9 homologs;

(34.5) ~~(33)~~ 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5; and homologues where side chain n=4, 6, or 7; Some trade or other names: CP 47,497;

(35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol Some trade or other names: HU-210;

(35.5) ~~(34)~~ (6aS,10aS)-9-(hydroxymethyl)-6,6-

dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, its isomers, salts, and salts of isomers; Some trade or other names: HU-210, Dexanabinol;

(36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-211;

(37) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
Some trade or other names: JWH-015;

(38) 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone
Some trade or other names: JWH-081;

(39) ~~(~~1-Pentyl-3-(4-methyl-1-naphthoyl)indole
Some trade or other names: JWH-122;

(40) 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)-ethanone
Some trade or other names: JWH-251;

(41) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole
Some trade or other names: RCS-8, BTW-8 and SR-18; ~~-~~

(42) ~~(33)~~ Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

(43) ~~(34)~~ Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

(44) ~~(35)~~ Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

(45) ~~(36)~~ Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent;

(46) ~~(37)~~ Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent; ~~-~~

(47) ~~(33)~~ 3,4-Methylenedioxymethcathinone
Some trade or other names: Methylone;

(48) ~~(34)~~ 3,4-Methyenedioxypyrovalerone
Some trade or other names: MDPV;
(49) ~~(35)~~ 4-Methylmethcathinone
Some trade or other names: Mephedrone;
(50) ~~(36)~~ 4-methoxymethcathinone;
(51) ~~(37)~~ 4-Fluoromethcathinone;
(52) ~~(38)~~ 3-Fluoromethcathinone ; ~~.~~
(53) ~~(35)~~ 2,5-Dimethoxy-4-(n)-propylthio-
phenethylamine;
(54) ~~(36)~~ 5-Methoxy-N,N-diisopropyltryptamine ; ~~.~~
(55) Pentedrone.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) mecloqualone;
(2) methaqualone; and
(3) gamma hydroxybutyric acid.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
(1) Fenethylline;
(2) N-ethylamphetamine;
(3) Aminorex (some other names:
2-amino-5-phenyl-2-oxazoline; aminoxaphen;
4-5-dihydro-5-phenyl-2-oxazolamine) and its
salts, optical isomers, and salts of optical isomers;
(4) Methcathinone (some other names:
2-methylamino-1-phenylpropan-1-one;
Ephedrone; 2-(methylamino)-propiophenone;
alpha-(methylamino)propiophenone; N-methylcathinone;
methycathinone; Monomethylpropion; UR 1431) and its
salts, optical isomers, and salts of optical isomers;
(5) Cathinone (some trade or other names:
2-aminopropiophenone; alpha-aminopropiophenone;
2-amino-1-phenyl-propanone; norephedrone);
(6) N,N-dimethylamphetamine (also known as:
N,N-alpha-trimethyl-benzeneethanamine;
N,N-alpha-trimethylphenethylamine);
(7) (+ or -) cis-4-methylaminorex ((+ or -) cis-
4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);
(8) 3,4-Methylenedioxypyrovalerone (MDPV).

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances:
(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
(benzylfentanyl), its optical isomers, isomers, salts,
and salts of isomers;
(2) N-[1(2-thienyl)
methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),
its optical isomers, salts, and salts of isomers.

(Source: P.A. 96-347, eff. 1-1-10; 96-1285, eff. 1-1-11; 97-192, eff. 7-22-11; 97-193, eff. 1-1-12; 97-194, eff. 7-22-11; 97-334, eff. 1-1-12; revised 9-14-11.)

Section 15. The Drug Paraphernalia Control Act is amended by changing Section 2 as follows:
(720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)
Sec. 2. As used in this Act, unless the context otherwise requires:
(a) The term "cannabis" shall have the meaning ascribed to it in Section 3 of the Cannabis Control Act, as if that definition were incorporated herein.
(b) The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the Illinois

Controlled Substances Act, as if that definition were incorporated herein.

(c) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

(d) "Drug paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:

(1) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;

(2) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;

(3) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

(4) diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;

(5) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, ~~or~~ hashish oil , or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:

(A) water pipes;

(B) carburetion tubes and devices;

(C) smoking and carburetion masks;

(D) miniature cocaine spoons and cocaine vials;

(E) carburetor pipes;

(F) electric pipes;

(G) air-driven pipes;

(H) chillums;

(I) bongs;

(J) ice pipes or chillers;

(6) any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

(Source: P.A. 93-526, eff. 8-12-03; 94-556, eff. 9-11-05.)

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

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

On motion of Senator J. Collins, **House Bill No. 5278** having been printed, was taken up and 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 HOUSE BILL 5278

AMENDMENT NO. 1. Amend House Bill 5278 on page 3, by replacing lines 12 and 13 with the following:

"minor, or trafficking in persons ~~or trafficking in persons for forced labor or services~~ as defined in Section 10-9 of"; and

on page 11, by replacing lines 16 and 17 with the following:

"minor, or trafficking in persons as ~~or trafficking in persons for forced labor or services~~ defined in Section 10-9 of the"; and

on page 15, by replacing lines 2 and 3 with the following:

"minor, or trafficking in persons as ~~or trafficking in persons for forced labor or services~~ defined in

Section 10-9 of the"; and

on page 30, by replacing lines 22 and 23 with the following:
"involuntary sexual servitude of a minor, or trafficking in persons ~~or trafficking in persons for forced labor or services~~"; and

on line 26 of page 32 and line 1 of page 33, by replacing "trafficking in persons for forced labor or services," with "~~trafficking in persons for forced labor or services,~~"; and

on page 33, line 22, by replacing "trafficking in persons for forced labor or services," with "~~trafficking in persons for forced labor or services,~~"; and

on page 34, lines 10 and 11, by replacing "trafficking in persons for forced labor or services," with "~~trafficking in persons for forced labor or services,~~"; and

on page 43, lines 18 and 19, by replacing "trafficking in persons, or trafficking in persons for forced labor or services)," with "or trafficking in persons ~~or trafficking in persons for forced labor or services~~),"; and

on page 46, lines 2 through 4, by replacing "trafficking in persons, or trafficking in persons for forced labor or services)" with "or trafficking in persons ~~or trafficking in persons for forced labor or services~~)"; and

on page 47, lines 24 and 25, by replacing "trafficking in persons; trafficking of persons for forced labor or services" with "or trafficking in persons " ~~trafficking of persons for forced labor or services~~"; and

on page 49, lines 7 and 8, by replacing "trafficking in persons, or trafficking of persons for forced labor or services" with "or trafficking in persons ~~or trafficking of persons for forced labor or services~~"; and

on page 51, lines 11 and 12, by replacing "Violent Crime Victims Assistance" with "DHS State Projects ~~Violent Crime Victims Assistance~~"; and

on page 51, by replacing lines 14 and 15 with the following:
"involuntary sexual servitude of a minor, and trafficking in persons ~~and trafficking of persons for forced labor or services~~.".

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

On motion of Senator Sandack, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **House Bill No. 5266** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 5290** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5290

AMENDMENT NO. 1. Amend House Bill 5290 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-23.7 as follows:

(105 ILCS 5/27-23.7)

Sec. 27-23.7. Bullying prevention.

(a) The General Assembly finds that a safe and civil school environment is necessary for students to learn and achieve and that bullying causes physical, psychological, and emotional harm to students and interferes with students' ability to learn and participate in school activities. The General Assembly further finds that bullying has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, using drugs and alcohol, sexual harassment, and sexual violence. Because of the negative outcomes associated with bullying in schools, the General

Assembly finds that school districts and non-public, non-sectarian elementary and secondary schools should educate students, parents, and school district or non-public, non-sectarian elementary or secondary school personnel about what behaviors constitute prohibited bullying.

Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in all school districts and non-public, non-sectarian elementary and secondary schools. No student shall be subjected to bullying:

(1) during any school-sponsored education program or activity;

(2) while in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities; or

(3) through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.

(a-5) Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.

(b) In this Section:

"Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

(1) placing the student or students in reasonable fear of harm to the student's or students' person or property;

(2) causing a substantially detrimental effect on the student's or students' physical or mental health;

(3) substantially interfering with the student's or students' academic performance; or

(4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, as defined in this subsection (b), may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

"Policy on bullying" means a bullying prevention policy that:

(1) includes the bullying definition provided in this Section;

(2) includes a statement that bullying is contrary to State law and the policy of the school district or non-public, non-sectarian elementary or secondary school and is consistent with subsection (a-5) of this Section;

(3) includes procedures for:

(i) promptly reporting bullying, including, but not limited to, identifying a person or persons responsible for receiving such reports and a procedure for anonymous reporting; and

(ii) promptly investigating and addressing complaints of bullying;

(4) includes the interventions that can be taken to address bullying, which may include, but are not limited to, restorative measures, social-emotional skill building, counseling, school psychological services, school social worker interventions, and community-based services;

(5) is based on the engagement of a range of school stakeholders, including students and families;

(6) is posted on the school district's or non-public, non-sectarian elementary or secondary school's existing Internet website and is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired; and

(7) is consistent with the school district's board policies or non-public, non-sectarian elementary or secondary school's administrative policies.

"Restorative measures" means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability

with an understanding of students' behavioral health needs in order to keep students in school.

"School personnel" means persons employed by, on contract with, or who volunteer in a school district or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

(c) (Blank).

(d) Each school district and non-public, non-sectarian elementary or secondary school shall create, ~~and~~ maintain , and implement a policy on bullying, which policy must be filed with the State Board of Education. ~~Each school district and non-public, non-sectarian elementary or secondary school must communicate its policy on bullying to its students and their parent or guardian on an annual basis.~~ The policy must be updated every 2 years and filed with the State Board of Education after being updated. The State Board of Education shall monitor and provide technical support for the implementation of policies created under this subsection (d).

(e) This Section shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law. ~~Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.~~

(Source: P.A. 95-198, eff. 1-1-08; 95-349, eff. 8-23-07; 95-876, eff. 8-21-08; 96-952, eff. 6-28-10.)

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

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

On motion of Senator LaHood, **House Bill No. 5314** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 5319** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 5321** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 5353** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5359** having been printed, was taken up and 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 HOUSE BILL 5359

AMENDMENT NO. 1. Amend House Bill 5359 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate License Act of 2000 is amended by changing Sections 5-70, 10-30, 20-20, 20-85, 20-90, 20-95, and 20-115 and by adding Section 20-78 as follows:

(225 ILCS 454/5-70)

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

Sec. 5-70. Continuing education requirement; managing broker, broker, or salesperson.

(a) The requirements of this Section apply to all managing brokers, brokers, and salespersons.

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a managing broker, real estate broker, or real estate salesperson must successfully complete 6 hours of real estate continuing education courses approved by the Advisory Council for each year of the pre-renewal period. Broker licensees must successfully complete a 6-hour broker management continuing education course approved by the Department for the pre-renewal period ending April 30, 2010. In addition, beginning with the pre-renewal period for managing broker licensees that begins after the effective date of this Act, those licensees renewing or obtaining a managing broker's license must

successfully complete a 12-hour broker management continuing education course approved by the Department each pre-renewal period. The broker management continuing education course must be completed in the classroom or by other interactive delivery method presenting instruction and real time discussion between the instructor and the students. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the Department. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Secretary with the recommendation of the Advisory Council. The requirements of this Article are applicable to all managing brokers, brokers, and salespersons except those brokers and salespersons who, during the pre-renewal period:

(1) serve in the armed services of the United States;

(2) serve as an elected State or federal official;

(3) serve as a full-time employee of the Department; or

(4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) A person licensed as a salesperson as of April 30, 2011 shall not be required to complete the 18 hours of continuing education for the pre-renewal period ending April 30, 2012 if that person takes the 30-hour post-licensing course to obtain a broker's license. A person licensed as a broker as of April 30, 2011 shall not be required to complete the 12 hours of broker management continuing education for the pre-renewal period ending April 30, 2012, unless that person passes the proficiency exam provided for in Section 5-47 of this Act to qualify for a managing broker's license.

(d) A person receiving an initial license during the 90 days before the renewal date shall not be required to complete the continuing education courses provided for in subsection (b) of this Section as a condition of initial license renewal.

(e) The continuing education requirement for salespersons, brokers and managing brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education requirements of this Act, at least 3 hours per year or their equivalent, 6 hours for each two-year pre-renewal period, shall be required to be completed in the core curriculum. In establishing the core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and the Department policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(f) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

(1) license law and escrow;

(2) antitrust;

(3) fair housing;

(4) agency;

(5) appraisal;

(6) property management;

(7) residential brokerage;

(8) farm property management;

(9) rights and duties of sellers, buyers, and brokers;

(10) commercial brokerage and leasing; and

(11) real estate financing.

(g) In lieu of credit for those courses listed in subsection (f) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(h) Credit hours may be earned for self-study programs approved by the Advisory Council.

(i) A broker or salesperson may earn credit for a specific continuing education course only once during the prerenewal period.

(j) No more than 6 hours of continuing education credit may be taken or earned in one calendar day.

(k) To promote the offering of a uniform and consistent course content, the Department may provide for the development of a single broker management course to be offered by all continuing education providers who choose to offer the broker management continuing education course. The Department may contract for the development of the 12-hour ~~6-hour~~ broker management continuing education

course with an outside vendor or consultant and, if the course is developed in this manner, the Department or the outside consultant shall license the use of that course to all approved continuing education providers who wish to provide the course.

(l) Except as specifically provided in this Act, continuing education credit hours may not be earned for completion of pre or post-license courses. The approved 30-hour post-license course for broker licensees shall satisfy the continuing education requirement for the pre-renewal period in which the course is taken. The approved 45-hour brokerage administration and management course shall satisfy the 12-hour broker management continuing education requirement for the pre-renewal period in which the course is taken.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/10-30)

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

Sec. 10-30. Advertising.

(a) No advertising, whether in print, via the Internet, or through any other media, shall be fraudulent, deceptive, inherently misleading, or proven to be misleading in practice. Advertising shall be considered misleading or untruthful if, when taken as a whole, there is a distinct and reasonable possibility that it will be misunderstood or will deceive the ordinary purchaser, seller, lessee, lessor, or owner. Advertising shall contain all information necessary to communicate the information contained therein to the public in an accurate, direct, and readily comprehensible manner.

(b) No blind advertisements may be used by any licensee, in any media, except as provided for in this Section.

(c) A licensee shall disclose, in writing, to all parties in a transaction his or her status as a licensee and any and all interest the licensee has or may have in the real estate constituting the subject matter thereof, directly or indirectly, according to the following guidelines:

(1) On broker yard signs or in broker advertisements, no disclosure of ownership is necessary. However, the ownership shall be indicated on any property data form and disclosed to persons responding to any advertisement or any sign. The term "broker owned" or "agent owned" is sufficient disclosure.

(2) A sponsored or inoperative licensee selling or leasing property, owned solely by the sponsored or inoperative licensee, without utilizing brokerage services of their sponsoring broker or any other licensee, may advertise "By Owner". For purposes of this Section, property is "solely owned" by a sponsored or inoperative licensee if he or she (i) has a 100% ownership interest alone, (ii) has ownership as a joint tenant or tenant by the entirety, or (iii) holds a 100% beneficial interest in a land trust. Sponsored or inoperative licensees selling or leasing "By Owner" shall comply with the following if advertising by owner:

(A) On "By Owner" yard signs, the sponsored or inoperative licensee shall indicate "broker owned" or "agent owned." "By Owner" advertisements used in any medium of advertising shall include the term "broker owned" or "agent owned."

(B) If a sponsored or inoperative licensee runs advertisements, for the purpose of purchasing or leasing real estate, he or she shall disclose in the advertisements his or her status as a licensee.

(C) A sponsored or inoperative licensee shall not use the sponsoring broker's name or the sponsoring broker's company name in connection with the sale, lease, or advertisement of the property nor utilize the sponsoring broker's or company's name in connection with the sale, lease, or advertising of the property in a manner likely to create confusion among the public as to whether or not the services of a real estate company are being utilized or whether or not a real estate company has an ownership interest in the property.

(d) A sponsored licensee may not advertise under his or her own name. Advertising in any media shall be under the direct supervision of the sponsoring or managing broker and in the sponsoring broker's business name, which in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm. This provision does not apply under the following circumstances:

(1) When a licensee enters into a brokerage agreement relating to his or her own real estate, or real estate in which he or she has an ownership interest, with another licensed broker; or

(2) When a licensee is selling or leasing his or her own real estate or buying or leasing real estate for himself or herself, after providing the appropriate written disclosure of his or her ownership interest as required in paragraph (2) of subsection (c) of this Section.

(e) No licensee shall list his or her name under the heading or title "Real Estate" in the telephone directory or otherwise advertise in his or her own name to the general public through any medium of advertising as being in the real estate business without listing his or her sponsoring broker's business

name.

(f) The sponsoring broker's business name and the name of the licensee must appear in all advertisements, including business cards. Nothing in this Act shall be construed to require specific print size as between the broker's business name and the name of the licensee.

(g) Those individuals licensed as a managing broker and designated with the Department as a managing broker by their sponsoring broker shall identify themselves to the public in advertising, except on "For Sale" or similar signs, as a managing broker. No other individuals holding a managing broker's license may hold themselves out to the public or other licensees as a managing broker.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-20)

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

Sec. 20-20. Grounds for discipline.

(a) The Department may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, reprimand, or take any other disciplinary or non-disciplinary action as the Department may deem proper and ~~or~~ impose a fine not to exceed $25,000 upon any licensee or applicant under this Act or any person who holds himself or herself out as an applicant or licensee or against a licensee in handling his or her own property, whether held by deed, option, or otherwise, for any one or any combination of the following causes:

(1) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(2) The conviction of or plea of guilty or plea of nolo contendere to ~~conviction of, plea of guilty or plea of nolo contendre to~~ a felony or misdemeanor in this State or any other jurisdiction; or the entry of an administrative sanction by a government agency in this State or any other jurisdiction. Action taken under this paragraph (2) for a misdemeanor or an administrative sanction is limited to a misdemeanor or administrative sanction that has as ~~,~~ an essential element ~~of which is~~ dishonesty or fraud or involves larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game~~, in this State, or any other jurisdiction~~.

(3) Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or a mental illness or disability.

(4) Practice under this Act as a licensee in a retail sales establishment from an office, desk, or space that is not separated from the main retail business by a separate and distinct area within the establishment.

(5) Having been disciplined by another state, the District of Columbia, a territory, a foreign nation, or a governmental agency authorized to impose discipline ~~Disciplinary action of another state or jurisdiction against the license or other authorization to practice as a managing broker, broker, salesperson, or leasing agent~~ if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for which a licensee may be disciplined under ~~discipline set forth in~~ this Act. A certified copy of the record of the action by the other state or jurisdiction shall be prima facie evidence thereof.

(6) Engaging in the practice of real estate brokerage without a license or after the licensee's license was expired or while the license was inoperative.

(7) Cheating on or attempting to subvert the Real Estate License Exam or continuing education exam.

(8) Aiding or abetting an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

(9) Advertising that is inaccurate, misleading, or contrary to the provisions of the Act.

(10) Making any substantial misrepresentation or untruthful advertising.

(11) Making any false promises of a character likely to influence, persuade, or induce.

(12) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through licensees, employees, agents, advertising, or otherwise.

(13) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(14) Acting for more than one party in a transaction without providing written notice to all parties for whom the licensee acts.

(15) Representing or attempting to represent a broker other than the sponsoring broker.

(16) Failure to account for or to remit any moneys or documents coming into his or her possession that belong to others.

(17) Failure to maintain and deposit in a special account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others or failure to maintain all escrow moneys on deposit in the account until the transactions are consummated or terminated, except to the extent that the moneys, or any part thereof, shall be:

(A) disbursed prior to the consummation or termination (i) in accordance with the written direction of the principals to the transaction or their duly authorized agents, (ii) in accordance with directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents, or (iii) pursuant to an order of a court of competent jurisdiction; or

(B) deemed abandoned and transferred to the Office of the State Treasurer to be handled as unclaimed property pursuant to the Uniform Disposition of Unclaimed Property Act. Escrow moneys may be deemed abandoned under this subparagraph (B) only: (i) in the absence of disbursement under subparagraph (A); (ii) in the absence of notice of the filing of any claim in a court of competent jurisdiction; and (iii) if 6 months have elapsed after the receipt of a written demand for the escrow moneys from one of the principals to the transaction or the principal's duly authorized agent.

The account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

(18) Failure to make available to the Department all escrow records and related documents maintained in connection with the practice of real estate within 24 hours of a request for those documents by Department personnel.

(19) Failing to furnish copies upon request of documents relating to a real estate transaction to a party who has executed that document.

(20) Failure of a sponsoring broker to timely provide information, sponsor cards, or termination of licenses to the Department.

(21) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(22) Commingling the money or property of others with his or her own money or property.

(23) Employing any person on a purely temporary or single deal basis as a means of evading the law regarding payment of commission to nonlicensees on some contemplated transactions.

(24) Permitting the use of his or her license as a broker to enable a salesperson or unlicensed person to operate a real estate business without actual participation therein and control thereof by the broker.

(25) Any other conduct, whether of the same or a different character from that specified in this Section, that constitutes dishonest dealing.

(26) Displaying a "for rent" or "for sale" sign on any property without the written consent of an owner or his or her duly authorized agent or advertising by any means that any property is for sale or for rent without the written consent of the owner or his or her authorized agent.

(27) Failing to provide information requested by the Department, or otherwise respond to that request, within 30 days of the request.

(28) Advertising by means of a blind advertisement, except as otherwise permitted in Section 10-30 of this Act.

(29) Offering guaranteed sales plans, as defined in clause (A) of this subdivision (29), except to the extent hereinafter set forth:

(A) A "guaranteed sales plan" is any real estate purchase or sales plan whereby a licensee enters into a conditional or unconditional written contract with a seller, prior to entering into a brokerage agreement with the seller, by the terms of which a licensee agrees to purchase a property of the seller within a specified period of time at a specific price in the event the property is not sold in accordance with the terms of a brokerage agreement to be entered into between the sponsoring broker and the seller.

(B) A licensee offering a guaranteed sales plan shall provide the details and conditions of the plan in writing to the party to whom the plan is offered.

(C) A licensee offering a guaranteed sales plan shall provide to the party to whom the plan is offered evidence of sufficient financial resources to satisfy the commitment to purchase

undertaken by the broker in the plan.

(D) Any licensee offering a guaranteed sales plan shall undertake to market the property of the seller subject to the plan in the same manner in which the broker would market any other property, unless the agreement with the seller provides otherwise.

(E) The licensee cannot purchase seller's property until the brokerage agreement has ended according to its terms or is otherwise terminated.

(F) Any licensee who fails to perform on a guaranteed sales plan in strict accordance with its terms shall be subject to all the penalties provided in this Act for violations thereof and, in addition, shall be subject to a civil fine payable to the party injured by the default in an amount of up to $25,000.

(30) Influencing or attempting to influence, by any words or acts, a prospective seller, purchaser, occupant, landlord, or tenant of real estate, in connection with viewing, buying, or leasing real estate, so as to promote or tend to promote the continuance or maintenance of racially and religiously segregated housing or so as to retard, obstruct, or discourage racially integrated housing on or in any street, block, neighborhood, or community.

(31) Engaging in any act that constitutes a violation of any provision of Article 3 of the Illinois Human Rights Act, whether or not a complaint has been filed with or adjudicated by the Human Rights Commission.

(32) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

(33) Negotiating a sale, exchange, or lease of real estate directly with any person if the licensee knows that the person has an exclusive brokerage agreement with another broker, unless specifically authorized by that broker.

(34) When a licensee is also an attorney, acting as the attorney for either the buyer or the seller in the same transaction in which the licensee is acting or has acted as a broker or salesperson.

(35) Advertising or offering merchandise or services as free if any conditions or obligations necessary for receiving the merchandise or services are not disclosed in the same advertisement or offer. These conditions or obligations include without limitation the requirement that the recipient attend a promotional activity or visit a real estate site. As used in this subdivision (35), "free" includes terms such as "award", "prize", "no charge", "free of charge", "without charge", and similar words or phrases that reasonably lead a person to believe that he or she may receive or has been selected to receive something of value, without any conditions or obligations on the part of the recipient.

(36) Disregarding or violating any provision of the Land Sales Registration Act of 1989, the Illinois Real Estate Time-Share Act, or the published rules promulgated by the Department to enforce those Acts.

(37) Violating the terms of a disciplinary order issued by the Department.

(38) Paying or failing to disclose compensation in violation of Article 10 of this Act.

(39) Requiring a party to a transaction who is not a client of the licensee to allow the licensee to retain a portion of the escrow moneys for payment of the licensee's commission or expenses as a condition for release of the escrow moneys to that party.

(40) Disregarding or violating any provision of this Act or the published rules promulgated by the Department to enforce this Act or aiding or abetting any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules promulgated by the Department to enforce this Act.

(41) Failing to provide the minimum services required by Section 15-75 of this Act when acting under an exclusive brokerage agreement.

(42) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in a managing broker, broker, salesperson, or leasing agent's inability to practice with reasonable skill or safety.

(b) The Department may refuse to issue or renew or may suspend the license of any person who fails to file a return, pay the tax, penalty or interest shown in a filed return, or pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until such time as the requirements of that tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(c) The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance

Commission or any governmental agency of this State in accordance with item (5) of subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(d) In cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (g) of Section 2105-15 of the Civil Administrative Code of Illinois.

(e) In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 95-851, eff. 1-1-09; 96-856, eff. 12-31-09; revised 11-18-11.)

(225 ILCS 454/20-78 new)

Sec. 20-78. Confidentiality. All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee or applicant or any person who holds himself or herself out as a licensee or applicant filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department or any order issued by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law.

(225 ILCS 454/20-85)

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

Sec. 20-85. Recovery from Real Estate Recovery Fund. The Department shall maintain a Real Estate Recovery Fund from which any person aggrieved by an act, representation, transaction, or conduct of a licensee or unlicensed employee of a licensee that is in violation of this Act or the rules promulgated

pursuant thereto, constitutes embezzlement of money or property, or results in money or property being unlawfully obtained from any person by false pretenses, artifice, trickery, or forgery or by reason of any fraud, misrepresentation, discrimination, or deceit by or on the part of any such licensee or the unlicensed employee of a licensee and that results in a loss of actual cash money, as opposed to losses in market value, may recover. The aggrieved person may recover, by a post-judgment order of the circuit court of the county where the violation occurred in a proceeding described in Section 20-90 of this Act, an amount of not more than $25,000 from the Fund for damages sustained by the act, representation, transaction, or conduct, together with costs of suit and attorney's fees incurred in connection therewith of not to exceed 15% of the amount of the recovery ordered paid from the Fund. However, no licensee may recover from the Fund unless the court finds that the person suffered a loss resulting from intentional misconduct. The post-judgment ~~court~~ order shall not include interest on the judgment. The maximum liability against the Fund arising out of any one act shall be as provided in this Section, and the post-judgment ~~judgment~~ order shall spread the award equitably among all co-owners or otherwise aggrieved persons, if any. The maximum liability against the Fund arising out of the activities of any one licensee or one unlicensed employee of a licensee, since January 1, 1974, shall be $100,000. Nothing in this Section shall be construed to authorize recovery from the Fund unless the loss of the aggrieved person results from an act or omission of a licensee under this Act who was at the time of the act or omission acting in such capacity or was apparently acting in such capacity or their unlicensed employee and unless the aggrieved person has obtained a valid judgment and post-judgment order of the court as provided for in Section 20-90 of this Act. No person aggrieved by an act, representation, or transaction that is in violation of the Illinois Real Estate Time-Share Act or the Land Sales Registration Act of 1989 may recover from the Fund.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-90)

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

Sec. 20-90. Collection from Real Estate Recovery Fund; procedure.

(a) No action for a judgment that subsequently results in a post-judgment ~~an~~ order for collection from the Real Estate Recovery Fund shall be started later than 2 years after the date on which the aggrieved person knew, or through the use of reasonable diligence should have known, of the acts or omissions giving rise to a right of recovery from the Real Estate Recovery Fund.

(b) When any aggrieved person commences action for a judgment that may result in collection from the Real Estate Recovery Fund, the aggrieved person must name as parties defendant to that action any and all ~~individual~~ licensees , ~~or~~ their employees , or independent contractors who allegedly committed or are responsible for acts or omissions giving rise to a right of recovery from the Real Estate Recovery Fund. Failure to name as parties defendant such licensees, ~~or~~ their employees , or independent contractors shall preclude recovery from the Real Estate Recovery Fund of any portion of any judgment received in such an action. These ~~The aggrieved party may also name as additional~~ parties defendant shall also include any corporations, limited liability companies, partnerships, registered limited liability partnership, or other business associations licensed under this Act that may be responsible for acts giving rise to a right of recovery from the Real Estate Recovery Fund.

(c) (Blank). ~~When any aggrieved person commences action for a judgment that may result in collection from the Real Estate Recovery Fund, the aggrieved person must notify the Department in writing to this effect within 7 days of the commencement of the action. Failure to so notify the Department shall preclude recovery from the Real Estate Recovery Fund of any portion of any judgment received in such an action. After receiving notice of the commencement of such an action, the Department upon timely application shall be permitted to intervene as a party defendant to that action.~~

(d) When any aggrieved person commences action for a judgment that may result in collection from the Real Estate Recovery Fund, and the aggrieved person is unable to obtain legal and proper service upon the parties defendant licensed under this Act under the provisions of Illinois law concerning service of process in civil actions, the aggrieved person may petition the court where the action to obtain judgment was begun for an order to allow service of legal process on the Secretary. Service of process on the Secretary shall be taken and held in that court to be as valid and binding as if due service had been made upon the parties defendant licensed under this Act. In case any process mentioned in this Section is served upon the Secretary, the Secretary shall forward a copy of the process by certified mail to the licensee's last address on record with the Department. Any judgment obtained after service of process on the Secretary under this Act shall apply to and be enforceable against the Real Estate Recovery Fund only. The Department ~~OBRE~~ may intervene in and defend any such action.

(e) (Blank). ~~When an aggrieved party commences action for a judgment that may result in collection from the Real Estate Recovery Fund, and the court before which that action is commenced enters~~

~~judgment by default against the defendant and in favor of the aggrieved party, the court shall upon motion of the Department set aside that judgment by default. After such a judgment by default has been set aside, the Department shall appear as party defendant to that action, and thereafter the court shall require proof of the allegations in the pleadings upon which relief is sought.~~

(f) The aggrieved person shall give written notice to the Department within 30 days of the entry of any judgment that may result in collection from the Real Estate Recovery Fund. The aggrieved person shall provide the Department with ~~OBRE within~~ 20 days prior written notice of all supplementary proceedings so as to allow the Department to intervene and participate in all efforts to collect on the judgment in the same manner as any party.

(g) When any aggrieved person recovers a valid judgment in any court of competent jurisdiction against any licensee or an unlicensed employee of any licensee ~~broker~~, upon the grounds of fraud, misrepresentation, discrimination, or deceit, the aggrieved person may, upon the termination of all proceedings, including review and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon 30 days' written notice to the Department, and to the person against whom the judgment was obtained, may apply to the court for a post-judgment ~~an~~ order directing payment out of the Real Estate Recovery Fund of the amount unpaid upon the judgment, not including interest on the judgment, and subject to the limitations stated in Section 20-85 of this Act. The aggrieved person must set out in that verified claim and prove at an evidentiary hearing to be held by the court upon the application that the claim meets all requirements of Section 20-85 and this Section to be eligible for payment from the Real Estate Recovery Fund and the aggrieved party shall be required to show that the aggrieved person:

(1) Is not a spouse of the debtor or debtors or the personal representative of such spouse.

(2) Has complied with all the requirements of this Section.

(3) Has obtained a judgment stating the amount thereof and the amount owing thereon, not including interest thereon, at the date of the application.

(4) Has made all reasonable searches and inquiries to ascertain whether the judgment debtor or debtors is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(5) By such search has discovered no personal or real property or other assets liable to be sold or applied, or has discovered certain of them, describing them as owned by the judgment debtor or debtors and liable to be so applied and has taken all necessary action and proceedings for the realization thereof, and the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(6) Has diligently pursued all remedies against all the judgment debtors and all other persons liable to the aggrieved person in the transaction for which recovery is sought from the Real Estate Recovery Fund, including the filing of an adversary action to have the debts declared non-dischargeable in any bankruptcy petition matter filed by any judgment debtor or person liable to the aggrieved person.

The aggrieved person shall also be required to prove the amount of attorney's fees sought to be recovered and the reasonableness of those fees up to the maximum allowed pursuant to Section 20-85 of this Act.

(h) After conducting the evidentiary hearing required under this Section, the ~~The~~ court , in a post-judgment ~~shall make an~~ order directed to the Department , shall indicate whether requiring payment from the Real Estate Recovery Fund is appropriate and, if so, the amount ~~of whatever sum~~ it finds to be payable upon the claim, pursuant to and in accordance with the limitations contained in Section 20-85 of this Act, if the court is satisfied, based upon the hearing, of the truth of all matters required to be shown by the aggrieved person under subsection (g) of this Section and that the aggrieved person has fully pursued and exhausted all remedies available for recovering the amount awarded by the judgment of the court.

(i) Should the Department pay from the Real Estate Recovery Fund any amount in settlement of a claim or toward satisfaction of a judgment against any licensee ~~a licensed broker or salesperson~~ or an unlicensed employee of a licensee ~~broker~~, the licensee's license shall be automatically revoked ~~terminated~~ upon the issuance of a post-judgment ~~court~~ order authorizing payment from the Real Estate Recovery Fund. No petition for restoration of a license shall be heard until repayment has been made in full, plus interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure of the amount paid from the Real Estate Recovery Fund on their account , notwithstanding any provision to the contrary in Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. A discharge in bankruptcy shall not relieve a person from the penalties

and disabilities provided in this subsection (i).

(j) If, at any time, the money deposited in the Real Estate Recovery Fund is insufficient to satisfy any duly authorized claim or portion thereof, the Department shall, when sufficient money has been deposited in the Real Estate Recovery Fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally filed, plus accumulated interest at the rate prescribed in Section 12-109 of the Code of Civil Procedure.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-95)

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

Sec. 20-95. Power of the Department to defend. When the Department receives any process, notice, order, or other document provided for or required under Section 20-90 of this Act, it may enter an appearance, file an answer, appear at the court hearing, defend the action, or take whatever other action it deems appropriate on behalf and in the name of the parties defendant licensed under this Act or the Department and take recourse through any appropriate method of review on behalf of and in the name of the parties defendant licensed under this Act or the Department.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/20-115)

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

Sec. 20-115. Time limit on action. No action may be taken by the Department against any person for violation of the terms of this Act or its rules unless the action is commenced within 5 years after the occurrence of the alleged violation. This limitation shall not apply where it is alleged that an initial application for licensure under this Act contains false or misleading information.

(Source: P.A. 96-856, eff. 12-31-09.)

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

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

On motion of Senator Harmon, **House Bill No. 5440** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 5444** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 5452** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5478** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 5539** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator LaHood, **House Bill No. 5540** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5547** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 5548** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 5586** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5616** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5632** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Muñoz, **House Bill No. 5635** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 5642** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 5653** having been printed, was taken up and 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 HOUSE BILL 5653

AMENDMENT NO. 1. Amend House Bill 5653, by replacing lines 20 through 26 on page 4 and lines 1 through 3 on page 5 with the following:

"(h) If a person is charged with financial exploitation of an elderly person or a person with a disability that involves the taking or loss of property valued at more than $5,000, a prosecuting attorney may file a petition with the circuit court of the county in which the defendant has been charged to freeze the assets of the defendant in an amount equal to but not greater than the alleged value of lost or stolen property in the defendant's pending criminal proceeding for purposes of restitution to the victim. The burden of proof required to freeze the defendant's assets shall be by a preponderance of the evidence.".

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

On motion of Senator Steans, **House Bill No. 5679** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5682** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **House Bill No. 5685** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5689** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5689

AMENDMENT NO. 1. Amend House Bill 5689 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 22-75 as follows:

(105 ILCS 5/22-75 new)

Sec. 22-75. The Eradicate Domestic Violence Task Force.

(a) There is hereby created the Eradicate Domestic Violence Task Force. The Eradicate Domestic Violence Task Force shall develop a statewide effective and feasible prevention course for high school students designed to prevent interpersonal, adolescent violence based on the Step Back Program for boys and girls. The Clerk of the Circuit Court in the First Judicial District shall provide administrative staff and support to the task force.

(b) The Eradicate Domestic Violence Task Force shall do the following:

(1) Conduct meetings to evaluate the effectiveness and feasibility of statewide implementation of the curricula of the Step Back Program at Oak Park and River Forest High School, located in Cook County, Illinois, for the prevention of domestic violence.

(2) Invite the testimony of and confer with experts on relevant topics as needed.

(3) Propose content for integration into school curricula aimed at preventing domestic violence.

(4) Propose a method of training facilitators on the school curricula aimed at preventing domestic

violence.

(5) Propose partnerships with anti-violence agencies to assist with the facilitator roles and the nature of the partnerships.

(6) Evaluate the approximate cost per school or school district to implement and maintain school curricula aimed at preventing domestic violence.

(7) Propose a funding source or sources to support school curricula aimed at preventing domestic violence and agencies that provide training to the facilitators, such as a fee to be charged in domestic violence, sexual assault, and related cases to be collected by the clerk of the court for deposit into a special fund in the State treasury and to be used to fund a proposed eradicate domestic violence program in the schools of this State.

(8) Propose an evaluation structure to ensure that the school curricula aimed at preventing domestic violence is effectively taught by trained facilitators.

(9) Propose a method of evaluation for the purpose of modifying the content of the curriculum over time, including whether studies of the program should be conducted by the University of Illinois' Interpersonal Violence Prevention Information Center.

(10) Recommend legislation developed by the task force, such as amending Sections 27-5 through 27-13.3 and 27-23.4 of this Code, and legislation to create a fee to be charged in domestic violence, sexual assault, and related cases to be collected by the clerk of court for deposit into a special fund in the State treasury and to be used to fund a proposed eradicate domestic violence program in the schools of this State.

(11) Produce a report of the task force's findings on best practices and policies, which shall include a plan with a phased and prioritized implementation timetable for implementation of school curricula aimed at preventing domestic violence in schools. The task force shall submit a report to the General Assembly on or before April 1, 2013 on its findings, recommendations, and implementation plan. Any task force reports must be published on the State Board of Education's Internet website on the date the report is delivered to the General Assembly.

(c) The President of the Senate and the Speaker of the House of Representatives shall each appoint one co-chairperson of the Eradicate Domestic Violence Task Force. The Minority Leader of the Senate and the Minority Leader of the House of Representatives shall each appoint one member to the task force. In addition, the task force shall be comprised of the following members appointed by the State Board of Education and shall be representative of the geographic, racial, and ethnic diversity of this State:

(1) Four representatives involved with a program for high school students at a high school that is located in a municipality with a population of 2,000,000 or more and the program is a daily, 6-week to 9-week, 45-session, gender-specific, primary prevention course designed to raise awareness of topics such as dating and domestic violence, any systematic conduct that causes measurable physical harm or emotional distress, sexual assault, digital abuse, self-defense, and suicide.

(2) A representative of an interpersonal violence prevention program within a State university.

(3) A representative of a statewide nonprofit, nongovernmental, domestic violence organization.

(4) A representative of a different nonprofit, nongovernmental domestic violence organization that is located in a municipality with a population of 2,000,000 or more.

(5) A representative of a statewide nonprofit, nongovernmental, sexual assault organization.

(6) A representative of a different nonprofit, nongovernmental, sexual assault organization based in a county with a population of 3,000,000 or more.

(7) The State Superintendent of Education or his or her designee.

(8) The Chief Executive Officer of City of Chicago School District 299 or his or her designee or the President of the Chicago Board of Education or his or her designee.

(9) A representative of the Department of Human Services.

(10) A representative of a statewide, nonprofit professional organization representing law enforcement executives.

(11) A representative of the Chicago Police Department, Youth Services Division.

(12) The Clerk of the Circuit Court in the First Judicial District or his or her designee.

(13) A representative of a statewide professional teachers organization.

(14) A representative of a different statewide professional teachers organization.

(15) A representative of a professional teachers organization in a city having a population exceeding 500,000.

(16) A representative of an organization representing principals.

(17) A representative of an organization representing school administrators.

(18) A representative of an organization representing school boards.

(19) A representative of an organization representing school business officials.

(20) A representative of an organization representing large unit school districts.

(d) The following underlying purposes should be liberally construed by the task force convened under this Section:

(1) Recognize that, according to the Centers for Disease Control and Prevention, National Intimate Partner and Sexual Violence Survey, December 2010 Summary Report, on average 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States, equaling more than 12 million women and men.

(2) Recognize that abused children and children exposed to domestic violence in their homes may have short and long-term physical, emotional, and learning problems, including increased aggression, decreased responsiveness to adults, failure to thrive, posttraumatic stress disorder, depression, anxiety, hyper vigilance and hyperactivity, eating and sleeping problems, and developmental delays, according to the Journal of Interpersonal Violence and the Futures Without Violence organization.

(3) Recognize that the Illinois Violence Prevention Authority has found that children exposed to violence in the media may become numb to the horror of violence, may gradually accept violence as a way to solve problems, may imitate the violence they see, and may identify with certain characters, victims, or victimizers.

(4) Recognize that crimes and the incarceration of youth are often associated with a history of child abuse and exposure to domestic violence, according to Futures Without Violence.

(5) Recognize that the cost of prosecuting crime in this State is unnecessarily high due to a lack of prevention programs designed to eradicate domestic violence.

(6) Recognize that sexual violence, stalking, and intimate partner violence are serious and widespread public health problems for children and adults in this State.

(7) Recognize that intervention programs aimed at preventing domestic violence may yield better results than programs aimed at treating the victims of domestic violence, because treatment programs may reduce the likelihood that a particular woman will be re-victimized, but might not otherwise reduce the overall amount of domestic violence.

(8) Recognize that uniform, effective, feasible, and widespread prevention of sexual violence and intimate partner violence is a high priority in this State.

(9) Recognize that the Step Back Program at Oak Park and River Forest High School in Cook County, Illinois, is a daily, 6 to 9 week, 45-session, gender-specific, primary prevention course for high school students designed to raise awareness of topics, including dating and domestic violence, bullying and harassment, sexual assault, digital abuse, self-defense, and suicide. The Step Back Program is co-facilitated by the high school and a nonprofit, nongovernmental domestic violence prevention specialist and service provider.

(10) Develop a statewide effective prevention course for high school students based on the Step Back Program for boys and girls designed to prevent interpersonal, adolescent violence.

(e) Members of the Eradicate Domestic Violence Task Force shall receive no compensation for their participation, but may be reimbursed by the State Board of Education for expenses in connection with their participation, including travel, if funds are available.

(f) Nothing in this Section or in the prevention course is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.

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

On motion of Senator Haine, **House Bill No. 5749** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 5752** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 5791** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 5893** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 5922** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 5592** having been printed, was taken up and 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 HOUSE BILL 5592

AMENDMENT NO. 1. Amend House Bill 5592 on page 12, line 11, by inserting after "guardianship." the following:

"The Post Permanency Sibling Contract Agreement shall not be enforceable in any court of law or administrative forum and no cause of action shall be brought to enforce the Agreement."; and

on page 68, line 18, by inserting "and who are seeking contact or an exchange of information with siblings" after "adopted"; and

on page 68, line 20, by inserting ", provided that the search is performed consistent with applicable Sections of this Act" after "search".

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

REPORT FROM STANDING COMMITTEE

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 4590, 5235, 5265, 5341 and 5771,** reported the same back with the recommendation that the bills do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 4636, 4637, 5099, 5289 and 5451,** 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 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. 3 to Senate Bill 2621
Senate Amendment No. 4 to Senate Bill 2621

Senate Amendment No. 1 to House Bill 5122

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

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to House Bill 1981
Senate Committee Amendment No. 2 to House Bill 1981
Senate Committee Amendment No. 1 to House Bill 3810
Senate Committee Amendment No. 1 to House Bill 3969
Senate Committee Amendment No. 1 to House Bill 4466
Senate Committee Amendment No. 1 to House Bill 4513

ANNOUNCEMENT

The Chair announced that the Senate Session scheduled for Friday, May 4, 2012, has been cancelled.

At the hour of 1:41 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:51 o'clock p.m. the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its May 2, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **HOUSE BILLS 930 and 5115**.

Criminal Law: **HOUSE BILL 5606**.

Education: **HOUSE BILL 5114**.

Executive: **Senate Committee Amendment No. 2 to House Bill 1981; Senate Committee Amendment No. 1 to House Bill 3810; Senate Committee Amendment No. 1 to House Bill 4036**; **HOUSE BILLS 1489, 2083, 2891, 2896, 3881 and 4148**.

Higher Education: **HOUSE BILL 5914**.

Insurance: **Senate Committee Amendment No. 1 to House Bill 4096**.

Pensions and Investments: **Senate Committee Amendment No. 1 to House Bill 3969; Senate Committee Amendment No. 1 to House Bill 4513**; **HOUSE BILL 5865**.

Public Health: **HOUSE BILL 4673**.

Revenue: **HOUSE BILL 1645**.

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to House Bill 5450**.

Assignments: **SENATE BILLS 230, 231, 267, 277, 279, 280, 351, 407, 546, 550, 552, 554, 556, 637, 640, 774, 963, 966, 969, 1076, 1077, 1078, 1079, 1132, 1197, 1198, 1202, 1203, 1204, 1205, 2214, 2259, 2509, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2637, 2638, 2639, 2640, 2641, 2642, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2779, 2780, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795,**

2887, 2891, 2895, 2936, 2960, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2994, 2995, 2996, 2997, 2998, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3149, 3167, 3178, 3181, 3193, 3197, 3232, 3234, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3329, 3332, 3334, 3348, 3354, 3382, 3404, 3429, 3436, 3461, 3500, 3511, 3512, 3529, 3557, 3574, 3630, 3634, 3664, 3667, 3695, 3751, 3752, 3767, 3769, 3788, 3796, 3803, 3804, 3812 and 3826.

Senator Harmon, Chairperson of the Committee on Assignments, during its May 2, 2012 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Energy: **Senate Joint Resolution No. 72.**

Higher Education: **Senate Resolution No. 742.**

Senator Harmon, Chairperson of the Committee on Assignments, during its May 2, 2012 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Joint Resoluton No. 73

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

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

May 2, 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 Iris Martinez to temporarily replace Senator Tony Munoz, as a member of the Senate Insurance Committee. This appointment will automatically expire, upon adjournment of the Senate Insurance 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

May 2, 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 Iris Martinez to temporarily replace Senator Tony Munoz, as a member of the Senate Executive Committee. This appointment will automatically expire, upon adjournment of the Senate Executive Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 1:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:06 o'clock p.m., the Senate resumed consideration of business.
Senator Sullivan, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Jones, E. III, Chairperson of the Committee on Commerce, to which was referred **House Bill No. 3091,** 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 Forby, Chairperson of the Committee on Labor, to which was referred **House Bill No. 3782,** reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a 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. 3 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 **House Bills Numbered 4513 and 4666,** reported the same back with the recommendation that the bills do pass.

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **House Bill No. 4996,** 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 Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bill No. 4076,** reported the same back with the recommendation that the bill do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 4479, 5033 and 5104,** 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 Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 587, 1299, 5111, 5283 and 5480,** reported the same back with the recommendation that the bills do pass.

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bill No. 3723,** 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 Hutchinson, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 1605 and 4242,** 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 **House Bills Numbered 4136 and 5866,** 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 **House Bills Numbered 222, 1261, 1404, 3779, 3810, 4036 and 5078**, 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 **Senate Joint Resolution No. 70,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 70** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bill No. 4096,** 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 **House Bills Numbered 5315 and 5587,** reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 4531, 4569, 5450 and 5650,** 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 Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Joint Resolution No. 73,** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **House Joint Resolution No. 73** was placed on the Secretary's Desk.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 743

Offered by Senators T. Johnson, Dillard, Harmon, Holmes, Millner, Pankau, Radogno, Sandack and all Senators.

Mourns the death of Michael B. Kwasman, Mayor of West Chicago.

SENATE RESOLUTION NO. 744

Offered by Senator Haine and all Senators:

Mourns the death of Barbara B. Hasse of Alton.

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

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

SENATE RESOLUTION NO. 745

WHEREAS, It is the policy of the State of Illinois to provide and maintain a healthful environment for the benefit of this and future generations; and

WHEREAS Through the Illinois Department of Natural Resources, it is the State's mission is to manage, conserve, and protect Illinois' natural, recreational, and cultural resources, further the public's understanding and appreciation of those resources, and promote Illinois' natural resources for present and future generations; and

WHEREAS, The Illinois Wildlife Action Plan, prepared by the Illinois Department of Natural Resources, provides specific goals for protection of major habitats in the Northeastern Morainal Natural Division of Illinois, identifies specific action items to support the Forest, Farmland and Prairie, Wetlands, and Streams Campaigns, and identifies the Lake-McHenry Wetlands as a Conservation Opportunity Area containing rare wetland types and rare wetland and grassland species not found elsewhere in Illinois; and

WHEREAS, The National Wildlife Refuge System is a national network of public lands managed by the United States Fish and Wildlife Service and set aside to conserve America's fish, wildlife, and plants; and

WHEREAS, On March 21, 2012, the United States Fish and Wildlife Service released its environmental assessment of the proposed Hackmatack National Wildlife Refuge and recommended that a refuge consisting of core areas linked by corridors be established in McHenry County, Illinois and

Walworth County, Wisconsin; and

WHEREAS, The United States Fish and Wildlife Service goals for the proposed refuge are to:
(1) protect and enhance habitats for federal trust species and species of management concern with special emphasis on grassland dependent migratory birds and protection of wetlands and grasslands, and
(2) create opportunities for hunting and fishing, wildlife observation and photography, and environmental education and interpretation, while promoting activities that complement the purposes of the refuge and other protected lands in the region, and
(3) promote science, education, and research through partnerships to inform land management decisions and encourage continued responsible stewardship of the natural resources of the Hackmatack National Wildlife Refuge; and

WHEREAS, The proposed Hackmatack National Wildlife Refuge, which lies within the Lake McHenry Wetlands Conservation Opportunity Area, will provide habitat for at least 60 State-listed plant and animal species and support habitat protection goals identified for the Northeastern Morainal Natural Division of Illinois and Campaign action items identified in the Illinois Wildlife Action Plan; and

WHEREAS, Designation of the Hackmatack National Wildlife Refuge will serve to assist, protect, conserve, and further the management of the State's endangered and threatened species and their habitats, as well as the refuge's namesake, the tamarack tree, which is known as the "hackmatack" in at least one Native American language, is a rare remnant of the glacial history of Northern Illinois, and is found in the area of the proposed refuge; and

WHEREAS, Increased recreational opportunities from the creation of the refuge will help address child obesity and other pressing health conditions in Illinois where one in 5 Illinois children is obese and 62% of Illinois adults are overweight or obese; the refuge will complement efforts of the Illinois Department of Natural Resources and Chicago Wilderness to partner with organizations to promote outdoor play and recreation; and

WHEREAS, Children benefit from access to the outdoors in many ways, and the creation of the refuge will expand their opportunities to experience nature; studies show that when children spend time outdoors feelings of anxiety and depression decrease, concentration and performance at school improve, and an early appreciation and love of nature is fostered; young people who spend time in nature are also more likely to be strong advocates for the environment as adults; and

WHEREAS, Wildlife refuges are good for Illinois' economy, and outdoor recreation opportunities, such as boating, camping, fishing, hunting, picnicking, sightseeing, wildlife observation, swimming, and trail use, create a $3.2 billion annual economic impact in Illinois, supporting 33,000 jobs Statewide; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the United States Fish and Wildlife Service in its efforts to establish a new national wildlife refuge on the Illinois-Wisconsin border to be named the Hackmatack National Wildlife Refuge; and be it further

RESOLVED, That we urge the Governor to represent the State of Illinois as a supporter of the United States Fish and Wildlife Service's efforts to establish the Hackmatack National Wildlife Refuge as appropriate; and be it further

RESOLVED, That we urge the Illinois Department of Natural Resources to work in partnership with the United States Fish and Wildlife Service to make the Hackmatack National Wildlife Refuge a reality; and be it further

RESOLVED, That suitable copies of this resolution be presented to the President of the United States, Barack Obama, the Governor of the State of Illinois, the Secretary of the United States Department of the Interior, the Director of the Midwest Region of the United States Fish and Wildlife Service, the Director of Natural Resources, and members of Illinois' congressional delegation.

[May 2, 2012]

MESSAGE 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 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. 1390

A bill for AN ACT concerning local government.
Passed the House, May 2, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bill No. 1390** was taken up, ordered printed and placed on first reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1390, sponsored by Senator Luechtefeld, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, **House Bill No. 3810** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3810

AMENDMENT NO. 1. Amend House Bill 3810 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 30-9, 30-10, 30-11, 30-12, 30-12.5, and 30-13 and by adding Section 30-13.5 as follows:

(105 ILCS 5/30-9) (from Ch. 122, par. 30-9)

Sec. 30-9. General Assembly scholarship; conditions of admission; award by competitive examination.

~~Each member of the General Assembly may nominate annually 2 persons of school age and otherwise eligible, from his district; each shall receive a certificate of scholarship in any State supported university designated by the member. Any member of the General Assembly in making nominations under this Section may designate that his nominee be granted a 4 year scholarship or may instead designate 2 or 4 nominees for that particular scholarship, each to receive a 2 year or a one year scholarship, respectively. The nominee, if a graduate of a school accredited by the University to which nominated, shall be admitted to the university on the same conditions as to educational qualifications as are other graduates of accredited schools. If the nominee is not a graduate of a school accredited by the university to which nominated, he must, before being entitled to the benefits of the scholarship, pass an examination given by the superintendent of schools of the county where he resides at the time stated in Section 30-7 for the competitive examination. The president of each university shall prescribe the rules governing the examination for scholarship to his university.~~

~~A member of the General Assembly may award the scholarship by competitive examination conducted under like rules as prescribed in Section 30-7 even though one or more of the applicants are graduates of schools accredited by the university.~~

~~A member of the General Assembly may delegate to the Illinois Student Assistance Commission the authority to nominate persons for General Assembly scholarships which that member would otherwise be entitled to award, or may direct the Commission to evaluate and make recommendations to the member concerning candidates for such scholarships. In the event a member delegates his nominating authority or directs the Commission to evaluate and make recommendations concerning candidates for~~

~~General Assembly scholarships, the member shall inform the Commission in writing of the criteria which he wishes the Commission to apply in nominating or recommending candidates. Those criteria may include some or all of the criteria provided in Section 25 of the Higher Education Student Assistance Act. A delegation of authority under this paragraph may be revoked at any time by the member.~~

~~Failure of a member of the General Assembly to make a nomination in any year shall not cause that scholarship to lapse, but the member may make a nomination for such scholarship at any time thereafter before the expiration of his term, and the person so nominated shall be entitled to the same benefits as holders of other scholarships provided herein. Any such scholarship for which a member has made no nomination prior to the expiration of the term for which he was elected shall lapse upon the expiration of that term.~~

(Source: P.A. 93-349, eff. 7-24-03.)

(105 ILCS 5/30-10) (from Ch. 122, par. 30-10)

Sec. 30-10. Filing nominations-Failure to accept or pass-Second nomination.

~~Nominations, under Section 30-9, showing the name and address of the nominee, and the term of the scholarship, whether 4 years, 2 years or one year, must be filed with the State Superintendent of Education not later than the opening day of the semester or term with which the scholarship is to become effective. The State Superintendent of Education shall forthwith notify the president of the university of such nomination.~~

~~If the nominee fails to accept the nomination or, not being a graduate of a school accredited by the university, fails to pass the examination for admission, the president of the university shall at once notify the State Superintendent of Education. Upon receiving such notification, the State Superintendent of Education shall notify the nominating member, who may name another person for the scholarship. The second nomination must be received by the State Superintendent of Education not later than the middle of the semester or term with which the scholarship was to have become effective under the original nomination in order to become effective as of the opening date of such semester or term otherwise it shall not become effective until the beginning of the next semester or term following the making of the second nomination. Upon receiving such notification, the State Superintendent of Education shall notify the president of the university of such second nomination. If any person nominated after the effective date of this amendatory Act of 1973 to receive a General Assembly scholarship changes his residence to a location outside of the district from which he was nominated, his nominating member may terminate that scholarship at the conclusion of the college year in which he is then enrolled. For purposes of this paragraph, a person changes his residence if he registers to vote in a location outside of the district from which he was nominated, but does not change his residence merely by taking off campus housing or living in a nonuniversity residence.~~

(Source: P.A. 93-349, eff. 7-24-03.)

(105 ILCS 5/30-11) (from Ch. 122, par. 30-11)

Sec. 30-11. Failure to use scholarship - Further nominations. ~~If any nominee under Section 30-9 or 30-10 discontinues his course of instruction or fails to use the scholarship, leaving 1, 2, 3, or 4 years thereof unused, the member of the General Assembly may, except as otherwise provided in this Article, nominate some other person eligible under this Article from his district who shall be entitled to the scholarship for the unexpired period thereof. Such appointment to an unexpired scholarship vacated before July 1, 1961, may be made only by the member of the General Assembly who made the original appointment and during the time he is such a member. If a scholarship is vacated on or after July 1, 1961, and the member of the General Assembly who made the original appointment has ceased to be a member, some eligible person may be nominated in the following manner to fill the vacancy: If the original appointment was made by a Senator, such nomination shall be made by the Senator from the same district; if the original appointment was made by a Representative, such nomination shall be made by the Representative from the same district. Every nomination to fill a vacancy must be accompanied either by a release of the original nominee or if he is dead then an affidavit to that effect by some competent person. The failure of a nominee to register at the university within 20 days after the opening of any semester or term shall be deemed a release by him of the nomination, unless he has been granted a leave of absence in accordance with Section 30-14 or unless his absence is by reason of his entry into the military service of the United States. The university shall immediately upon the expiration of 20 days after the beginning of the semester or term notify the State Board of Education as to the status of each scholarship, who shall forthwith notify the nominating member of any nominee's failure to register or, if the nominating member has ceased to be a member of the General Assembly, shall notify the member or members entitled to make the nomination to fill the vacancy. All nominations to unused or unexpired scholarships shall be effective as of the opening of the semester or term of the university during which~~

~~they are made if they are filed with the university during the first half of the semester or term, otherwise they shall not be effective until the opening of the next following semester or term.~~

(Source: P.A. 93-349, eff. 7-24-03.)

(105 ILCS 5/30-12) (from Ch. 122, par. 30-12)

Sec. 30-12. Failure to begin or discontinuance of course because of military service.

~~Any nominee, under Sections 30-9, 30-10, or 30-11, who fails to begin or discontinues his course of instruction because of his entry into the military service of the United States, leaving all or a portion of the scholarship unused, may, upon completion of such service, use the scholarship or the unused portion thereof, regardless of whether or not the member of the General Assembly who nominated him is then a member; provided that during the nominee's period of military service no other person may be nominated by such member to all or any portion of such unused or unfinished scholarship unless the nomination is accompanied either by a release of the original nominee or if he is dead then an affidavit to that effect by some competent person.~~

(Source: Laws 1961, p. 31.)

(105 ILCS 5/30-12.5)

Sec. 30-12.5. Waiver of confidentiality.

~~(a) As a condition of nomination for a General Assembly scholarship under Section 30-9, 30-10, or 30-11, each nominee shall provide to the member of the General Assembly making the nomination a waiver document stating that, notwithstanding any provision of law to the contrary, if the nominee receives a General Assembly scholarship, then the nominee waives all rights to confidentiality with respect to the contents of the waiver document. The waiver document shall state at a minimum the nominee's name, domicile address, attending university, degree program in which the nominee is enrolled, amount of tuition waived by the legislative scholarship and the name of the member of the General Assembly who is making the nomination. The waiver document shall also contain a statement by the nominee that, at the time of the nomination for the legislative scholarship, the domicile of the nominee is within the legislative district of the legislator making the scholarship nomination. The waiver document must be signed by the nominee, and the nominee shall have his or her signature on the waiver document acknowledged before a notary public. The member of the General Assembly making the nomination shall file the signed, notarized waiver document, together with the nomination itself, with the State Superintendent of Education. By so filing the waiver document, the member waives all his or her rights to confidentiality with respect to the contents of the waiver document.~~

~~(b) The legislative scholarship of any nominee shall be revoked upon a determination by the State Board of Education after a hearing that the nominee knowingly provided false or misleading information on the waiver document. Upon revocation of the legislative scholarship, the scholarship nominee shall reimburse the university for the full amount of any tuition waived prior to revocation of the scholarship.~~

~~(c) The Illinois Student Assistance Commission shall prepare a form waiver document to be used as provided in subsection (a) and shall provide copies of the form upon request.~~

(Source: P.A. 93-349, eff. 7-24-03.)

(105 ILCS 5/30-13) (from Ch. 122, par. 30-13)

Sec. 30-13. Use of scholarship at public university. ~~The scholarships issued under Sections 30-9 through 30-12 of this Article may be used at the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University as provided in those sections. Unless otherwise indicated, these scholarships shall be good for a period of not more than 4 years while enrolled for residence credit and shall exempt the holder from the payment of tuition, or any matriculation, graduation, activity, term or incidental fee, except any portion of a multipurpose fee which is used for a purpose for which exemption is not granted under this Section. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, union building, hospital and medical insurance fees and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.~~

~~Any student who has been or shall be awarded a scholarship shall be reimbursed by the appropriate university or community college for any fees which he has paid and for which exemption is granted under this Section, if application for such reimbursement is made within 2 months following the school term for which the fees were paid.~~

~~The holder of a scholarship shall be subject to all examinations, rules and requirements of the university or community college in which he is enrolled except as herein directed.~~

~~This article does not prohibit the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Regents of the Regency Universities System and the Board~~

~~of Governors of State Colleges and Universities for the institutions under their respective jurisdictions from granting other scholarships.~~

(Source: P.A. 88-228; 89-4, eff. 1-1-96.)

(105 ILCS 5/30-13.5 new)

Sec. 30-13.5. General Assembly scholarship program abolished. Before September 1, 2012, each member of the General Assembly may nominate persons to receive a scholarship or certificate of scholarship under Sections 30-9, 30-10, 30-11, 30-12, 30-12.5, and 30-13 of this Code as they existed before the effective date of this amendatory Act of the 97th General Assembly. A person nominated to receive or awarded such a scholarship or certificate before September 1, 2012 is entitled to the scholarship under the terms of Sections 30-9, 30-10, 30-11, 30-12, 30-12.5, and 30-13 of this Code as they existed before the effective date of this amendatory Act of the 97th General Assembly and Section 30-14 of this Code.

Section 10. The Board of Higher Education Act is amended by changing Section 9.29 as follows:

(110 ILCS 205/9.29)

Sec. 9.29. Tuition and fee waiver report and task force.

(a) The Board of Higher Education shall annually compile information concerning tuition and fee waivers and tuition and fee waiver programs that has been provided by the Boards of Trustees of the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, and Western Illinois University and shall report its findings and recommendations concerning tuition and fee waivers and tuition and fee waiver programs to the General Assembly by filing copies of its report by December 31 of each year as provided in Section 3.1 of the General Assembly Organization Act.

(b) The General Assembly finds and declares (i) that the Board of Higher Education reports that in Fiscal Year 2011 public institutions of higher education awarded tuition and fee waivers totaling nearly $415 million; (ii) that 83.9% of these waivers were discretionary in that they were awarded at the discretion of each institution and valued at over $348 million; (iii) that the remaining 16.1% of waivers were mandatory in that institutions had to award the waivers by statute; and (iv) that because of the significant cost of such waivers, it is important to review, evaluate, and verify that these waivers are in the public interest and impose a reasonable financial impact upon higher education.

There is hereby created the Tuition and Fee Waiver Task Force. The Task Force shall consist of the following members:

(1) 2 members appointed by the President of the Senate;

(2) 2 members appointed by the Speaker of the House of Representatives;

(3) one member appointed by the Minority Leader of the Senate; and

(4) one member appointed by the Minority Leader of the House of Representatives.

The President and Speaker shall designate one member each to serve as co-chairpersons of the Task Force. Members must be adults and residents of this State. The individual or his or her successor who appointed a member may remove that appointed member before the expiration of his or her term on the Task Force for official misconduct, incompetence, or neglect of duty. Members shall serve without compensation, but may be reimbursed for expenses. Appointments must be made within 60 calendar days after the effective date of this amendatory Act of the 97th General Assembly.

(c) The purpose of the Tuition and Fee Waiver Task Force is to conduct a thorough review and evaluation of the tuition and fee waiver programs offered by the public institutions of higher education listed in subsection (a) of this Section, as well as the findings and recommendations made by the Board concerning these programs pursuant to subsection (a) of this Section. The Task Force shall also thoroughly review and evaluate tuition and fee waiver programs offered by public institutions of higher education not listed in subsection (a) of this Section.

The Task Force shall review and evaluate each of the tuition and fee waiver programs offered by public institutions of higher education and determine the propriety of each such program. As part of its review and evaluation, the Task Force shall, among other things, consider the following:

(1) the institution's justification of the need for the program;

(2) the program's intended purposes and goals;

(3) the program's eligibility and selection criteria;

(4) the program's costs;

(5) the purported benefits resulting from the program; and

(6) whether the program serves the public interest or advances a private interest.

(d) The Board shall provide administrative support to the Tuition and Fee Waiver Task Force. The

Task Force shall conduct meetings and public hearings before filing any report mandated under this subsection (d). At the public hearings, the Task Force shall allow interested persons to present their views and comments. The Task Force shall submit a report setting forth its review and evaluation of the tuition and fee waiver programs offered by public institutions of higher education on or before April 15, 2013 to the Governor, the General Assembly, and the Board. Upon filing its reports, the Task Force is dissolved.
(Source: P.A. 92-51, eff. 1-1-02.)

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

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

At the hour of 6:12 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, May 3, 2012, at 10:00 o'clock a.m.